

EPA Weekly Report
Friday, July 21, 2017

Region 1

Hot Issues

Additional NPDES Public Notice Period for New Hampshire Power Plant

- Public Service New Hampshire (PSNH), now owned by Eversource Energy, operates the Merrimack Station coal-fired power plant in Bow, NH. The facility's NPDES permit has expired, and Region 1 previously issued a draft permit for public comment. EPA is the NPDES authority in NH.
- As previously reported, Region 1 has agreed with PSNH's request to reopen an opportunity for public comment.
- Merrimack Station withdraws cooling water from the Hooksett Pool impoundment of the Merrimack River, and returns heated water and other pollutants to that impoundment.
- Since the draft permit was issued, there have been important changes to applicable regulations. PSNH also submitted important new information and requested that the comment period be reopened.
- Region 1 will announce the new comment period on July 25, to end October 4, to allow input on the new information, the application of the new regulations, and new permitting options.

Upcoming Public Events

None previously unreported.

Upcoming Major Decisions

None this week.

Highlights from Last Week

Accreditation

- On July 11 & 12 an on-site assessment was performed by accrediting body PJLA, Inc. to renew the ISO/IEC 17025:2005 accreditation held by our regional laboratory. This assessment included a "surveillance audit" of current field and laboratory methods as well as a full assessment of several methods which the laboratory is seeking to add. As a result of the successful assessment, we added several methods to our scope of accreditation.

Boston Green Infrastructure Tour

- On July 13 Region 1's Nonpoint Source (NPS) program organized a Boston Green Infrastructure Tour guided by the Boston Water and Sewer Commission. Highlights of the tour included bioswales, tree pits, rain gardens, permeable pavers, an underground cistern and infiltration chambers. Approximately 20 staff attended from various programs, and the tour included several neighborhoods of Dorchester, Roslindale and Cambridge.

Business Disaster Preparation and Pollution Prevention

- On July 18 Region 1 provided technical assistance to 26 entities via webinar for small to medium-sized hazardous chemical-using businesses in flood prone areas of Massachusetts. The webinar emphasized pollution prevention (source reduction to reduce or eliminate use of hazardous chemicals) as a risk reduction strategy, and regulatory compliance, including hazardous waste management and EPA's General Duty Clause. The Massachusetts Office of Technical Assistance (MA OTA) participated and will offer follow-up assistance to attendees. Participants included a mix of representatives of industrial facilities, municipalities, institutions, and state assistance providers.

Region 2

Upcoming Public Events

Hudson River: The second public meeting for the Five-Year Review was held on 7/19 in Saratoga Springs. A third public meeting on the Hudson River PCBs five-year remedy review is being planned for New York City at the request of stakeholders and anticipated requests from Senators Schumer and Gillibrand. Tentative date is August 8, pending final confirmation of logistics. Announcement via news advisory and outreach to elected officials would be made on July 25 or 26, 2017.

Superfund Tour with Rep. Frelinghuysen

The Congressman has for many years conducted an annual tour of Superfund sites in his district. Along with staff from EPA and NJDEP, he invites local elected officials, concerned citizens, and press. The tours have typically received favorable local press coverage. The tour for this year is tentatively scheduled for Sept. 19.

Past Week Accomplishments

Saint Regis Mohawk Tribal Nation Meeting: Region 2 staff will attend a Saint Regis Mohawk Tribe (SRMT) USET (United South and Eastern Tribes) sponsored-meeting the week of July 24th, 2017, to provide presentations on a general overview of EPA programs related to funding drinking water, wastewater and infrastructure projects. Staff will have a separate meeting with SRMT to discuss the following: infrastructure planning and construction; water system operations, PWSS Program implementation, and Drinking Water Infrastructure Grant Tribal Set-Aside Program.

Testimony in New York State Criminal Matter: On July 5, 2017, Vickie Pane provided testimony in support of the Manhattan District Attorney's case, *The People of the State of New York v. John Kojo Zi*. The defendant was charged with grand larceny, scheme to defraud, and related false document charges for his role in the theft of five Manhattan buildings. Vickie Pane provided testimony regarding the content of a contract of sale, which included federal lead-based paint disclosure requirements that were non-existent at the time the contract was signed. EPA's testimony provided clear and compelling evidence that the document presented by the defendant in support of his claim of ownership was false. The District Attorney notified us that the defendant had been found guilty on all charges and faces a minimum of 1-3 years in state prison. Sentencing is scheduled for September 6, 2017.

Update re: PREPA's Title III Proceeding under PROMESA. On July 18, 2017, a group of PREPA's bondholders and creditors filed a motion with the federal district court in the PROMESA Title III proceeding that was initiated on behalf of PREPA; the motion seeks to have the automatic stay lifted so that the movants can initiate an action for the appointment of a receiver for PREPA. Judge Swain will hold a hearing on the motion on August 9th.

Region 3

Hot Issues

DoD and EPA to Meet with PA Attorney General's Office Regarding Willow Grove Naval Air Station, Horsham, Pennsylvania

Sara Manzano-Diaz, Pennsylvania's Executive Deputy to the Attorney General, requested a meeting with DoD and EPA this Friday, July 21, 2017 at the Pentagon. The Attorney General's office continues to receive inquiries and messages of concern from Representative Stephens' office regarding PFAS/PFOA in the drinking water and the impact on the surrounding citizens. The intent of the meeting is to provide the PA Attorney General's office with information on the site.

Lead levels drop again in recent water tests in Pittsburgh, PA

Lead levels in the Pittsburgh Water and Sewer Authority system have fallen below a key federal threshold in recent testing, PWSA announced Tuesday. Still, PWSA plans to forge ahead with ongoing efforts to reduce lead contamination, including the replacement of lead service lines, city and authority officials said. "While the downward trend is encouraging, we are not satisfied," PWSA interim executive director Robert A. Weimar said in a statement. "PWSA must protect public health by doing everything in its power to provide the highest-quality water possible, and to replace lead service lines responsibly." In mid-2016, state-mandated tests in 100 homes with known or suspected lead pipes found that 17 percent exceeded a federal lead contamination threshold of 15 parts per billion. The results triggered a state and federal mandate that PWSA replace at least 7 percent of its lead service lines each year. Service lines connect each building's internal plumbing to a water main beneath the street. By December, 90 percent of tested samples showed lead at 18 parts per billion or fewer. That was down from 22 ppb in June that year. In the June 2017 testing, samples taken at 128 residential sites revealed 77 percent were below 10 ppb for lead, with 90 percent at or below the crucial 15 ppb figure under federal rules. "The 15 ppb value meets the U.S. Environmental Protection Agency action level for lead and is not an exceedance," PWSA said in a statement. The authority said it must repeat the lead compliance testing every six months until 90 percent of tested samples show 15 ppb — or fewer — for two consecutive rounds of tests...

EPA Files Reply Brief in Defense of the TMDL for Trash in the Anacostia River

On July 13, 2017, EPA filed its reply brief in NRDC v. EPA, Case No. 1:16-cv-01861-JDB responding to a challenge to EPA's September 2010 approval of TMDLs for trash in the Anacostia River submitted by Maryland and the District of Columbia. NRDC had filed its opposition to EPA's cross-motion for summary judgment on June 23, 2017. The TMDL for trash was the product of a collaborative, multi-jurisdictional effort with extensive involvement by stakeholders and calls for prevention or removal of 105% (100% plus a 5% margin of safety) of the baseline load of trash entering the Anacostia River on a daily basis to achieve the jurisdictions' narrative water quality criteria. The Plaintiffs challenge EPA's approval primarily on the ground that, unlike typical TMDLs, this one is expressed as a "negative" (i.e., trash to be removed or prevented from entering the water), rather than as an amount of trash that can be in the water and still achieve water quality standards. EPA believes the TMDL is consistent with the statute and regulations, appropriately translates narrative water quality criteria to a quantified load, and is an effective tool for reducing levels of trash in the Anacostia River. Both DOEE and MDE filed amicus briefs in support of EPA, pointing out that the TMDL was consistent with their interpretation of their water quality criteria and that implementation of the TMDL has been effective in cleaning up the Anacostia River. It is unusual in Region 3 for the States to file formal briefs in support of EPA in connection with TMDL approval challenges, and EPA greatly appreciates the efforts of DOEE and MDE.

Region 3 Participates in National Boy Scout Jamboree 2017

The Region 3 Office of Preparedness and Response staff are participating in the Joint Interagency Task Force (JIATF) activities for the 2017 National Scout Jamboree from July 19 to 28 at the Summit at Bechtel Reserve in Fayette County, West Virginia. The JIATF is comprised of more than 20 federal, state, and local agencies,

including EPA, Department of Homeland Security, Fayette County Emergency Operations Center, Federal Emergency Management Agency, National Park Service, West Virginia National Guard (WVANG), West Virginia State Police, and West Virginia Department of Environmental Protection (WVDEP). The WVDEP and the WVANG requested EPA's support in the event of a hazardous materials release or oil spill associated with the Jamboree activities. Over the next 10 days the JIATF will work to ensure the health and safety of more than 40,000 attendees and visitors at the event venue, and as they go out daily to perform service projects in 10 surrounding counties.

Water Protection Division Issues Administrative Order to Forest Park, [Docket No. SDWA-03-2017-0154DS] for SDWA Violations in Millsboro, Delaware

On July 5, the Acting Division Director, Water Protection Division, issued an Administrative Order to Forest Park, EPA Docket No. SDWA-03-2017-0154DS, for violations of the SDWA. According to records from the Delaware Health and Social Services (DHSS), Forest Park exceeded the Maximum Contaminant Level (MCL) for nitrate, failed to deliver Consumer Confidence Reports (CCRs), and failed to notify the public of the system's monitoring and reporting violations, all of which may cause acute or chronic health effects. The system has a history of noncompliance with the MCL for nitrate, an acute contaminant. Prior to issuance of the AO, EPA worked with the state to ensure that the residents were notified of the elevated level of nitrate and the associated health effects. Under the Administrative Order, within 15 days, Respondent must provide EPA with a Compliance Plan that outlines the actions Respondent will take to address the nitrate violations, including completion dates. In addition, by July 1, 2017, Respondent must deliver the System's 2016 CCR to all customers and send copies of the System's CCR to DHSS and EPA as well as distribute the CCRs for 2012, 2013, 2014, and 2015 to all of its customers.

Defendant Robert Brace Files Notice of Filing of Administrative Claims Against the United States Under the Federal Tort Claims Act, 28 U.S.C. 1346(B), In the Matter of U.S. V. Brace, et. al., Civil Action No. 90-229 (Erie)

On July 7, 2017, the Defendants, Robert Brace, Robert Brace Farms, Inc., and Robert Brace and Sons, Inc., filed a Notice of Filing of Administrative Claims against the U.S. Environmental Protection Agency, the U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service to obtain compensatory monetary damages for what Defendants allege are the unintended results following restoration work required under a Consent Decree that Defendants entered into with the United States in the matter of U.S. v. Brace, et. al., Civil Action No. 90-229 (Erie). The U.S. filed a Motion to Enforce the Consent Decree against the Defendants in January of 2017 as a result of work Defendants were performing in the restored area which resulted in violations of Section 404 of the Clean Water Act. The Civil Rights and Finance Law Office of EPA will handle the lawsuit.

Radon Educational Efforts and No Cost Test Kits to Support West Virginia Residents

The American Lung Association (ALA) in West Virginia Announces a Radon Awareness & Risk Reduction Program Partnership with the West Virginia Department of Health and Human Resources (WVHHR). The ALA in West Virginia (WV) unveiled this program to assist individuals in protecting their health against lung cancer causing radon gas. This partnership will promote free radon testing in 16 WV counties (Brooke, Grant, Greenbrier, Hancock, Hardy, Marshall, Mercer, Mineral, Monongalia, Monroe, Ohio, Pendleton, Pocahontas, Preston, Summers and Tucker). The funding comes from an annual State Indoor Radon Grant provided to WVHHR by the U.S. EPA, Region 3, and is a multi-faceted outreach effort that expects to reach 6,000 individuals directly through the distribution of 2,750 radon test kits; with 2,000 of the kits provided to households and 750 distributed to the public through local schools and community outreach efforts. "The goal of our partnership is to increase public awareness about the health risks of radon, to increase testing for it and to encourage radon mitigation in West Virginia," said Deborah P. Brown, President and CEO, American Lung Association of the Mid-Atlantic.

DOJ Files EPA's Opening Brief in Appeal of WV's Order Directing EPA to Approve or Disapprove the

“Constructive Submission” of “no” TMDLs

On July 17, 2017, Department of Justice (DOJ) filed EPA’s opening brief in its appeal to the U.S. Court of appeals for the Fourth Circuit. On April 4, DOJ filed a notice of appeal and a motion to stay pending completion of the appeal of West Virginia’s February 14, 2017 decision and order granting summary judgment in favor of plaintiffs in *Ohio Valley Environmental Coalition v. McCarthy*. In its February 14, 2017 decision and order, the district court held that EPA had failed to perform a mandatory duty by neither approving nor disapproving West Virginia’s “constructive submission” of “no” total maximum daily loads (TMDLs) for 573 biologically impaired waters in West Virginia, notwithstanding West Virginia’s ongoing and robust program for TMDL development. Following denial of EPA’s motion to stay the effect of the district court’s order pending completion of the appeal, EPA complied by “approving” the “constructive submission” for waters which are no longer impaired, for waters for which all TMDLs addressing biological impairment have been submitted and approved, and for remaining waters based, in part, on a Memorandum of Agreement with the WVDEP signed the same date and identifying a schedule for submission of the TMDLs by June 30, 2026.

Upcoming Public Events

On August 1, 2017, Acting RA Rodrigues will be meeting with the general counsel of Tradepoint along with Secretary Grumbles of MDE as a follow up to a meeting to the discussion at EPA HQ. The objective of the meeting is to communicate the current joint agency process of review and determine if there are any additional efficiencies that could be identified to expedite the process.

On August 4, 2017, Acting RA Rodrigues will be awarding the North Side Industrial Development Company an additional \$600,000 in brownfields funding to continue their work at the property of a former steel fabrication shop. They received a Community Wide Assessment Grant from EPA in 2011 for \$83,174 to assist with the environmental assessment needed at the site. This year’s funding will be directed towards the construction of 150 housing units with a publicly accessible courtyard. Pittsburgh Mayor Peduto will be in attendance. Congressman Mike Doyle, Senator Wayne Fontana, and Secretary McDonnell of PADEP have been invited, but have not confirmed to date.

Acting RA Rodrigues has been informed that Governor Hogan will be inviting the RA and others to attend a meeting on August 8, 2017 to discuss proposed next steps associated with the sediment concerns at Conowingo Dam.

Past Events

Region 3 does not have any past events to report out at this time.

Region 4

Hot Issues

Chemical Release to Cape Fear River (Chemours Facility) – ENFORCEMENT CONFIDENTIAL

Key Message: Chemours (formerly DuPont) manufactures the chemical GenX, a processing aid that enables the production of high-performance fluoropolymers without the use of perfluorooctanoic acid (PFOA). The free acid GenX precursor chemical has been found in the Wilmington, NC, drinking water system.

- **(Update)** On June 21, 2017, the company began diverting remaining wastewater containing the contaminant into storage tanks to be shipped out of state for incineration.
- **(Update)** On July 14, 2017, State officials released their first results of water quality samples and an updated preliminary health assessment for concentrations of GenX in finished, or treated, drinking water. The revised health goal for exposure to GenX in drinking water is 140 nanograms per liter (also referred to as parts per trillion or ppt). Samples were analyzed at the EPA lab in Research Triangle Park and at Test America, a lab in Colorado under contract to Chemours. Data from samples collected June 19 and July 6 show that the most recent results of finished, or treated, water in all but one facility were below the health goal of 140 ppt. The data also indicates that concentrations of GenX are trending downward.
- **(Update)** The State plans to do two more weeks of sampling (same locations) and Chemours will pay for analysis at Test America. The planned sampling schedule is: Fayetteville area – Monday July 17 and July 24, 2017; and Wilmington area – July 20 and July 27, 2017. EPA's Office of Research and Development has agreed to perform analysis on samples split with the state.
- **(Update)** On July 17, 2017, Governor Cooper of NC sent a letter to Administrator Pruitt asking, among other things, that EPA expedite its internal evaluation of the risks posed by GenX.

Isolated Gen X report from Homeowner in SC

Key Message: July 18, 2017 – A Local South Carolina press story reported that a homeowner in Mount Pleasant sent a water sample to a Charleston-based lab for testing which detected GenX.

- Mount Pleasant is a South Carolina community directly east of Charleston.
- The Mount Pleasant municipal water company reported they have tested for multiple perfluorinated chemicals and that none have been detected in Mount Pleasant or Charleston's water systems.
- South Carolina DHEC has not seen the laboratory results from the homeowner's sample, but both the Charleston and Mount Pleasant water systems have now collected samples to conduct analysis for GenX.
- EPA is unable to comment on the results without verifying quality assurance and quality control and sample collection procedures.
- There are no known GenX production facilities in the area.

Kentucky Acute Selenium Water Quality Standard Approval

Key Message: Region 4 is preparing a letter approving the Commonwealth of Kentucky's removal of their acute aquatic life criterion for selenium.

- Region 4 has completed its Endangered Species Act consultation with the U.S. Fish and Wildlife Service and the Service has concurred with EPA's Not Likely To Adversely Affect determination.
- The Office of Water supports this change.

Munisport 404 (c) Site, City of North Miami, Florida

Key Message: Oleta Partners LLC has proposed the construction of a 6.62-acre recreational lagoon development on the landfill portion of the Munisport 404 (c) Site. The lagoon construction is the 1st phase of an overall 183.8 acre commercial and residential development proposed for the Munisport site. The Munisport site is owned by the City of North Miami and the Oleta Partners LLC have a 99-year lease from the city.

- The City of North Miami received a Corps permit on March 15, 1976 in order to construct a 36-hole golf course, tennis courts and club house on the Munisport site. The total site was 291 acres, of which 103 acres were wetlands.
- In March 1977 a modification to the permit was requested which included an additional 8.2 acres of mangrove impacts. The modification also noted that the project area operated as a sanitary landfill, and EPA objected to and elevated the proposed permit modification.
- In January 1981, the EPA Administrator issued a Final Determination on the North Miami Landfill site (Munisport) pursuant to Section 404 (c) of the Clean Water Act. The Final order placed restrictions on the placement of additional solid waste, protected the mangroves east of the 404 (c) action site, allowed for clean fill to be deposited over the areas already filled with solid waste to cap the site, and required water quality protective measures, including a leachate collection system
- The EPA Region 4 staff believe that the full development of the Munisport site by the Oleta Partners LLC is consistent with the 404 (c) Final Determination of 1981 and a letter outlining EPA's findings is routing for final signature in the Region.

Ensystex, II Imports Matter – ENFORCEMENT CONFIDENTIAL

Key Message: Region 4 is recommending a Stop Sale, Use or Removal Order (SSURO) to allow Ensystex, II to relabel a Federal Insecticide, Fungicide, and Rodenticide Act noncompliant imports shipment and achieve compliance.

- On July 6, 2017, Ensystex, II submitted a Notice of Arrival (NOA) to Region 4 to import the restricted use pesticide product Zythor into the country. Zythor contains sulfuryl fluoride as the active ingredient and is used as a fumigant.
- Region 4 determined that the shipment bore alleged misbranded labels and denied the NOA on July 7, 2017.
- Region 4 spoke with the company's Chairman who agrees that the labels are not correct, and has stated that he would like to bring the product into compliance. He also indicated that there is a high demand for the product at this time of year, and that their supplies are running low. Region 4 conveyed to the Chairman that we could potentially allow them to relabel the product under a SSURO, and the Company wants to proceed with that approach.
- On July 19, 2017, Region 4 submitted a request to the Office of Enforcement and Compliance Assurance to expedite a decision to proceed with the issuance of the SSURO.

Upcoming Public Events

None

Upcoming Major Decisions

None

Last Week Highlights

None

Region 5

Hot Issues

Region 5 Continues Emergency Site Investigation in Traverse City, Michigan

Key Message: In May 2017, Region 5 began an emergency investigation to identify the source of high levels of explosive methane at the Harbor West Marina Village, a gated condominium development in Traverse City, MI. EPA's ongoing monitoring of VOC-contaminated groundwater and soil gas from a nearby Superfund NPL site recently resulted in detection of high levels of methane near one of Harbor West's six buildings. A comprehensive emergency site investigation was launched by the Region 5 emergency response program and has been underway since May.

Preliminary findings indicate:

- Potentially explosive concentrations of the gas exist immediately adjacent to and likely beneath two condominium buildings. Low levels of gas are also detectable in crawl spaces of two units in one of these two buildings. EPA is monitoring these areas routinely and has placed explosive gas alarms in them.
- The gas is almost certainly being produced by the biodegradation of buried sawdust and wood waste from a historical 19th century sawmill whose footprint the condominiums were built upon.
- There are no indications that the methane generation is related to the nearby Superfund site.

EPA will meet with condominium owners and local public safety officials on July 26, 2017, to discuss preliminary findings and next courses of action. Moving forward, additional site history will be obtained, response alternatives developed along with continued monitoring of methane levels and an evaluation of liability will be performed.

Lead and Copper Rule (LCR) Compliance Monitoring in Flint, Michigan to be Announced by MDEQ the Week of July 24

Key Message: June 30 marked the end of the most recent six-month LCR monitoring period in Flint and Michigan Department of Environmental Quality (MDEQ) testing shows Flint's water is well below the action level for lead.

This is the second consecutive monitoring period during which Flint tested below the 15 ppb federal action level, meaning the City of Flint is in compliance with the LCR. These results are a testament to the significant improvement of Flint's water quality. EPA worked extensively with MDEQ on their sampling plans and methodology, ensuring the right testing was done at the right locations. This coordination has produced one of the most robust drinking water data sets in the country. EPA has confidence in the results – MDEQ's data matches results from both the Agency and outside researchers.

EPA is encouraged by the improvement in Flint's water quality and will continue to use its Administrative Order to ensure safe drinking water for residents. Out of an abundance of caution, EPA and MDEQ continue to recommend residents use water filters while lead service line replacement is underway.

Region 5 Continues Investigations at Container Life Cycle Management LLC, d/b/a Mid America Drum, A Greif, Inc. Joint Venture, various locations in WI

Key Message: Investigatory work for potential Air and RCRA violations continues, while preliminary laboratory results support alleged hazardous waste storage, treatment, and disposal violations at the three WI facilities.

Air and RCRA inspectors conducted sampling and monitoring in May 2017 at all three facilities, Milwaukee, St. Francis, and Oak Creek, under an administrative warrant. On July 17, 2017, an additional site visit was conducted at the St. Francis site. During the follow-up, inspectors conducted air monitoring using summa canisters, and took soil samples from public parkway land near the facility. Information requests under CAA and RCRA authorities have been issued to the facilities and the Region is in discussions with Wisconsin

Department of Natural Resources regarding next steps for the investigations.

Region 5 has been investigating the drum reconitioner facilities, located in and around Milwaukee, in response to citizen complaints and a newspaper expose published by the Milwaukee Journal Sentinel on February 15, and follow up on June 30. Other federal agencies, including U.S. DOT and OSHA, participated in late February/early March inspections as well as investigations of their own and there has been congressional interest in the facilities.

Partial Consent Decree Lodged to Begin Addressing Chronic Sanitary Sewer Overflows in Cleveland Heights, Ohio

Key Message: EPA and Ohio EPA are coordinating resources to eliminate discharges of raw sewage while encouraging integrated planning approaches.

The Partial Consent Decree was lodged on July 19, 2017. This action is part of a national initiative to keep raw sewage and contaminated storm water out of our nation's waters. Cleveland Heights has a decayed sewer infrastructure that it inadequately operates and maintains, resulting in discharges of raw sewage into Lake Erie tributaries. The lodged Partial Decree requires Cleveland Heights to perform a comprehensive study of the City's sanitary sewer system, culminating in a proposed master plan by 2021 to eliminate sanitary sewer overflows. The Partial Decree also requires Cleveland Heights to take defined steps to improve maintenance and operation of its sewer system, beginning this year.

Once the City submits its proposed master plan, the parties to the Partial Decree anticipate negotiating a second Consent Decree that will: 1) establish a schedule for implementing a master plan; and 2) the civil penalty for the City's violations. The state of Ohio was actively involved in negotiating the Partial Decree as a partner of the United States and anticipates realigning as a co-plaintiff.

City of Trenton, Michigan Acquisition of DSC McLouth Steel

Key Message: Trenton City Council votes not to proceed with acquisition of the former McLouth Steel Mill.

Over the past year, Region 5 has been working with the City of Trenton, Wayne County, Congresswoman Dingell's Office, outside environmental counsel and a consultant for the city seeking liability assurances and clarification should the city come into title of the former McLouth Trenton plant. Following bankruptcy in 1996, the property has undergone several failed redevelopment attempts and is currently being evaluated for inclusion on the Superfund National Priorities List. Trenton had sought to champion future redevelopment efforts.

The Wayne County Assessor's Office assumed title for back taxes in April 2017. Under state law, Trenton has until July 31, 2017 to decide whether to take title from the county. Over the last two weeks, Region 5 offered Trenton several short and long-term liability assurance options that would address CERCLA, RCRA and TSCA liability. However, on Tuesday, July 18, 2017, the Trenton City Council voted not to exercise its acquisition option. Region 5 believes title will now be assumed by the Wayne County Economic Development Department who is pursuing several redevelopment options.

UPCOMING EVENTS:

NONE

UPCOMING MAJOR DECISIONS:

NONE

PAST WEEK ACCOMPLISHMENTS:

Region 5 Initiated Sampling of Unknown Material at East Chicago, IN Residences adjacent to USS Lead Site on July 19, 2017

Key Message: Region 5 is conducting residential sampling of an unknown black material that is associated with

water fixtures at residential homes (i.e. toilets, showers and sinks) within the USS Lead Superfund site located in East Chicago, IN.

On July 19, EPA secured access agreements for those homes targeted for bacterial sampling and chlorine testing. An additional home was added for bacterial sampling per the recommendation of the Indiana Department of Environmental Management, bringing the total number of residences to be sampled to four. EPA plans to return to the targeted homes on July 20 to complete the bacterial and chlorine testing.

More information can be found at <https://www.epa.gov/uss-lead-superfund-site>.

EPA and Illinois EPA Meet to Advance Environmental Protection in Illinois

Key Message: The EPA and Illinois EPA (IEPA) senior management teams met, via videoconference, on Thursday, July 13, to discuss entering into a new 2-year Performance Partnership Agreement (PPA) for FY 2018-2019.

On July 14, IEPA submitted their Performance Partnership Grant (PPG) application under the new PPA. The submittal included draft PPA work plans for the Air, Land and Water programs. IEPA has been one of the longest users of PPAs, going back to the late 1990s, as a way to help advance some joint priorities and make continued progress in mutual areas of interest that protect human health and the environment. EPA awards an average of \$19 million dollars per year to IEPA through the PPG. The PPA has allowed EPA and IEPA to focus on our joint priorities, leading to successes, including the Waste Water Data Synchronization project to update the ICIS data system, and the Midwest Clean Diesel Initiative. New joint priorities include the Hartford IL site remediation project which will ensure that the health and safety of the local residents is protected during emergency situations.

Region 6

UPCOMING HOT ISSUES AND IMPORTANT DEADLINES

Denka, LaPlace, Louisiana

On July 13, a meeting was held to brief local elected officials regarding chloroprene concentrations and Denka's progress in reducing emissions in LaPlace, Louisiana. EPA Region 6, ORD and OAQPS joined LDEQ and Saint John the Baptist Parish President for the meeting. We agreed to continue air monitoring and working with the facility to reduce Chloroprene levels.

Bird Creek, Pawhuska, Oklahoma

Sampling of all surface water bodies was completed by July 1st. Samples were sent by chain of custody to the Houston Laboratory for analysis. Data was also downloaded from the 18 surface water monitors, which were put in place to detect any changes in total dissolved solids during the time injection wells were shut-in. Most analytical results from the Houston Lab have been provided to the regional UIC and enforcement programs for review. R6 is developing a comprehensive overarching long term plan which will be finalized in the near future. In addition, R6 is working on a communications strategy to notify impacted parties regarding the monitoring results and next steps. A second round of data from the 18 surface water monitors will be downloaded next week.

Tar Creek, Picher, Oklahoma

Field sampling will be conducted the week of July 24, 2017, and will continue into August 2017. Samples collection will fill data gaps related to characterization of sediment and surface water within the Tristate area. This field event is being accomplished through joint coordination with Region 7, 3 states (Oklahoma, Missouri, Kansas), eight Tribes (Quapaw, Peoria, Ottawa, Miami, Eastern Shawnee, Wyandotte, Seneca-Cayuga, and Cherokee), and other federal and state agencies (US Fish and Wildlife, US Geological Survey, Oklahoma Department of Wildlife). The focus is to address sediments and surface water in perennial streams that may be impacted by mining operations. The project area consists of 7 watersheds and covers approximately 437 square miles and 119 river miles.

Camp Minden, Louisiana

Region 6 continues community outreach and will provide post-removal soil sample results during the week of July 24th to the property owners living near Camp Minden, Louisiana. EPA directed the destruction of 20 million pounds of abandoned munitions at this site over a 3 year period. The sampling was conducted to show that none of the soils were contaminated by the cleanup action.

Extreme Metal Finishing, Emory, Texas

Region 6 will begin hazard category sampling during the week of July 24th at the Extreme Metal Finishing site in Emory, Texas. The Texas Commission on Environmental Quality (TCEQ) requested EPA conduct a removal at the Extreme Metal Finishing site, zinc and chrome plater. An action memorandum is in concurrence and the Superfund Division Director will be briefed prior to the event.

The Quapaw Tribe of Oklahoma

After receiving no comments on this proposed application for Treatment as a State (TAS), EPA is drafting an approval while also coordinating with Region 7. The Quapaw Tribe of Oklahoma has applied for TAS for Clean Air Act (CAA) authority on Tribal lands in Oklahoma and Kansas. The Tribe seeks authority for the following non-regulatory programs:

- * CAA §105 – allows Tribe to apply for funding at a reduced match of 5%
- * CAA §107(d)(3) – EPA notice to Tribe for re-designation process participation
- * CAA §126 (a) & (b) – State notice to Tribe of new or modified sources; ability to petition
- * CAA §505(a)(2) – State notice to Tribe of certain operating permits within 50 miles

Pueblo of Acoma, New Mexico

Region 6 intends to notify three Acoma Pueblo Water Systems of the findings of a recent Sanitary Survey. The findings are based on the results from the Multiple Barrier Evaluations Performed on Sky City Casino, Sky City Cultural Center, and Sky Travel Center and will remind them to correct significant deficiencies or be on an approved schedule to correct the deficiencies within 120 days of being notified by EPA. This letter is part of Region 6's routine oversight function and no issues are anticipated to arise.

Rogers Delinted Cottonseed Co., Robstown, Texas

Region 6 will perform contractor oversight of groundwater monitoring wells plugging and abandonment at the Former Rogers Delinted Cottonseed Co., Robstown, TX, on Aug 1-3, 2017. The latest 2016 sampling results indicated the site is protective for commercial and industrial use with institutional controls (IC) and groundwater use restriction and EPA has determined that the site is a candidate for a "Ready for Reuse" (RfR) determination. A RfR determination may benefit the city in redeveloping this property for economic growth and place the property back on the city tax roll.

Griggs and Walnut Superfund Site, Las Cruces, New Mexico

Region 6 officials and the City of Las Cruces Water Department Administrator will meet with residents from five to seven homes on July 25 & 26 at the Griggs and Walnut Superfund Site in Las Cruces, New Mexico. The homes are located over a plume of contaminated groundwater. Previous EPA actions provided residents of the area with a clean municipal water supply. EPA will ask residents for access to conduct exterior and interior sampling to determine if vapors from the contaminated groundwater pose a threat.

Railroad Commission of Texas (RRC)

Region 6 intends to release the draft FY 2016 End-of-Year Report to the RRC for their review and comment. The report includes a summary of injection related seismicity in Texas. The Region has been coordinating with the Railroad Commission during the development of this draft and does not expect any controversial impacts from their review.

Westlake Vinyl, Geismar, Louisiana

Region 6 will conduct a Risk Management Plan (RMP) inspection at Westlake Vinyl, Geismar, Louisiana to determine compliance with the Clean Air Act 112(r) and 40 CFR Part 68 Chemical Accident Prevention requirements. The inspection will focus on compliance with the RMP requirements and the Louisiana Department on Environmental Quality (LDEQ) had been invited to attend. Since LDEQ has not requested delegation of the Chemical Accident Prevention Provisions under 40 CFR Part 68, Region 6 conducts the inspections for facilities regulated under this program in the State of Louisiana.

Excel Paralubes, Lake Charles, Louisiana

Region 6 will conduct a Risk Management Plan (RMP) inspection at Excel Paralubes, Lake Charles, Louisiana to determine compliance with the Clean Air Act 112(r) and 40 CFR Part 68 Chemical Accident Prevention requirements. The inspection will focus on compliance with the RMP requirements and the Louisiana Department on Environmental Quality (LDEQ) had been invited to attend. Since LDEQ has not requested delegation of the Chemical Accident Prevention Provisions under 40 CFR Part 68, Region 6 conducts the inspections for facilities regulated under this program in the State of Louisiana. This inspection falls under the National Enforcement Initiative under 112r for Refineries.

Randolph AFB, San Antonio, Texas and Lackland AFB, Fort Sam Houston, Texas

Region 6 will conduct CAA inspections at Lackland AFB and Randolph AFB during the week of July 24. EPA monitors environmentally-related activities at federal facilities to determine compliance with applicable environmental laws and to identify ways the agency can assist federal facilities in achieving and maintaining

high rates of compliance. EPA has invited the Texas Commission on Environmental Quality's San Antonio Regional Office to participate in the inspection.

Little Rock AFB, Jacksonville, Arkansas

Region 6 will conduct a RCRA Compliance Evaluation Inspection at Little Rock Air Force Base in Jacksonville, Arkansas during the week of July 24, 2017. The purpose of the inspection is to determine the hazardous waste operating status of the facility, and whether the facility is compliant with the RCRA regulations. The facility was

identified using Region 6 data mining tools as having the potential to be storing hazardous waste. The State programs have been trained on the data mining process and this will be a joint Region 6/Arkansas Department of Environmental Quality inspection.

USDA Dale Bumper's National Rice Research Center, Stuttgart, Arkansas

Region 6 will conduct a RCRA Compliance Evaluation Inspection at USDA's Dale Bumpers National Rice Research Center in Stuttgart, Arkansas during the week of July 24, 2017. The purpose of the inspection is to determine the hazardous waste operating status of the facility, and whether the facility is compliant with the RCRA regulations. The facility was identified using Region 6 data mining tools as having the potential to be storing hazardous waste. This will be a joint EPA Region 6/Arkansas Department of Environmental Quality inspection.

NEPA

San Juan Mine Deep Lease Extension Mining Plan Modification, Memorandum of Understanding

On July 28, 2017, EPA intends to sign a Memorandum of Understanding regarding the San Juan Mine Deep Lease Extension Mining Plan Modification. The Modification would be accompanied by an Environmental Impact Statement. The Environmental Impact Statement would analyze potential impacts associated with all mining activities including coal combustion at the San Juan Generating Station and post-reclamation activities. The Final Environmental Impact Statement and Record of Decision (ROD) will be relied upon by the Office of Surface Mining Reclamation and Enforcement (OSMRE) to make a recommendation and the Assistant Secretary for Land and Minerals Management, before a decision is made to approve, disapprove, or approve with conditions, the proposed mining plan to mine Federal coal in accordance with the requirements of the Minerals Leasing Act. This is a non-issue.

FOIA

EPA-R6-2017-009624, CNN – Victor Blackwell, Copies of the Air Monitoring Data Sheets for all monitoring sites in the vicinity of Denka Performance Elastomer Ponchatrain Site in La Place, Louisiana for June, 2017.

UPCOMING PUBLIC EVENTS

July 27-28 – Children's Health Symposium at University of Texas at El Paso, Texas. EPA is sponsoring the event.

August 3 – Texas Environmental Law Superconference, Austin, Texas. Acting RA will keynote.

August 8 – State Environmental Directors' Meeting, Dallas, Texas (Tentative)

September 11-13 – National Air Quality Conference, Austin, Texas. Attendees will learn the latest information on air quality forecasting and mapping.

September 12-14 – US Mexico Border National Coordinator Meeting, Mexico City, Mexico

September 17-21 – 19th Annual Stormwater Conference in San Antonio, TX. The Conference will inform and educate professionals on controls that can address water pollution

October 27 – Arkansas Environment Federation 50th Annual Convention, Hot Springs, AR. Acting RA will keynote.

UPCOMING DECISIONS

Arkansas Regional Haze

Arkansas proposed its SIP addressing a portion of the Regional Haze requirements on July 12, 2017, and submitted to EPA for parallel processing. EPA will act expeditiously to propose the SIP. On July 13, 2017, EPA's Narrow FIP revision was published in the Federal Register to extend the NOx compliance dates by 21 months to [January 27, 2020](#). The extension was requested by industry to provide them certainty that they have time to work with EPA and the State on a Regional Haze SIP without the compliance clock running down. EPA also continues to track the national CSAPR remand action as the Arkansas Regional Haze SIP depends on the NOx CSAPR for BART.

Texas Regional Haze

Following the EPA (Region 6), TCEQ, and industry meeting last week, EPA is preparing final briefings for the Administrator on a Texas Reg Haze Intrastate Trading Program BART SIP. EPA is using all available resources to develop the Federal Action nby [September 9](#). EPA has a [September 9](#) CD deadline that requires EPA to finalize a plan.

PAST WEEK ACCOMPLISHMENTS

Arkansas 303d Approval

EPA took action to approve Arkansas listings of impaired waters. EPA is approving Arkansas 303(d) lists from 2010, 2012, 2014, and 2016. As a result of this action, EPA approved all impairments identified by the state on these four lists.

PENDING ACTIONS (Pending Federal Register Publication)

None

Region 7

Hot Issues

Vapor Intrusion TCE Exposures at Commercial Properties in Ogallala, NE

Key Message:

- EPA Region 7 is continuing to address concerns about worker exposures due to TCE vapor intrusion (VI) associated with the groundwater plume at the Ogallala Groundwater Contamination Site in Nebraska.
- Sampling was conducted at selected properties in Ogallala and the three businesses currently slated for installation of vapor mitigation systems were visited to obtain contact information for contractor site visits.
- R7 also conducted a site visit and collected surface water and sediment samples to prepare a new screening-level ecological risk assessment.

St. Louis Asbestos Response

Key Message:

- EPA is assisting the City of St. Louis with response to asbestos released from a July 12th fire. On Monday, July 17, EPA assisted with taking samples at the site to determine if the fire debris contains asbestos. EPA is meeting with the City July 19 to discuss how to proceed with the site response.

Current Week Highlights

Highway Equipment Company (Cedar Rapids, Iowa)

Key Message:

- EPA Region 7 plans to transmit a letter to Highway Equipment Company offering to engage in prefilings negotiations regarding RCRA violations identified during the September 15, 2015, inspection of the company's facility.
- HEC manufactures dry crop nutrient spreaders, highway de-icing spreaders, road maintenance equipment, and leaf vacuums. The Cedar Rapids facility has 160 full time employees.
- The EPA inspection revealed that HEC failed to make a hazardous waste determination; operated as an episodic LQG without a permit; failed to comply with universal waste requirements; and failed to submit a biennial report. HEC had prior similar RCRA violations found during EPA inspections in 2003 and 2008. The proposed penalty calculation is \$67,051.
- The RCRA program is not delegated to the state of Iowa. However, the Region notified the state of its proposed action in this matter during the January 2017 enforcement coordination meeting and the state will be copied on the prefile letter.

City of Brentwood (Brentwood, Missouri)

Key Message:

- EPA Region 7 plans to transmit a letter to the city of Brentwood, Missouri, offering to engage in prefilings negotiations concerning EPCRA and CERCLA release reporting violations resulting from a serious chemical accident, involving anhydrous ammonia, at a public skating rink owned by the city of Brentwood, Missouri. The case team plans to send the letter the week of July 17, 2017.
- The release occurred on September 15, 2015. Nine people, including six facility employees and contractors and three first responders, were injured in the accident. Eight of the injured persons were hospitalized with serious chemical burns. Twenty-five people were evacuated.
- This is an NSI case because it falls within the Chemical Accident Risk Reduction NEI. R7 has notified OECA of the proposed enforcement response.
- CERCLA and EPCRA are not delegated programs, but the Region notified the state of its proposed action in this matter during the January enforcement coordination meeting.

Local Emergency Planning Committee (LEPC)/Tribal Emergency Response Committee (TERC) Emergency Planning and Response Conference (Overland Park, Kansas)

Key Message:

- On July 20-22, 2017, EPA Region 7 and a committee of state and local representatives will host 200-300 attendees at the biennial LEPC/TERC Emergency Planning and Response Conference.
- Experts from business, industry, and government in the fields of chemical emergency, preparedness, prevention, transportation as well as health and safety will share best practices for the protection of communities from chemical risks and the prevention of chemical accidents.
- The audience includes LEPC and TERC members, first responders, and other emergency planning and response members from local, state, tribal, and federal governments, and private industry.

Iowa Army Ammunition Plant Site Meetings

Key Message:

- On July 18, 2017, EPA Region 7 participated in a Restoration Advisory Board (RAB) meeting, a monthly project managers meeting, and a site tour for the Iowa Army Ammunition Plant site in Middleton, IA.
- The RAB provided updates to stakeholders, including the public, about the ongoing cleanup activities and overall activities at the site. Participants included EPA, US Army Corps of Engineers, US Army, Army contractors and the public.
- A monthly Project Managers' meeting was also held to discuss on-going site work, document review status, and schedules for the project to ensure targets and plans are on track to completion. No current significant issues were identified during the RAB, site meetings or tour.

Carter Carburetor Site Update

Key Message:

- On July 13, 2017, EPA Region 7 held a quarterly site meeting with the Responsible Party (RP) for the Carter Carburetor Site in St. Louis, MO to discuss an ongoing non-time critical removal action at the site.
- EPA and the RP discussed completion of work for the die cast area of the site and building demolition. The RP currently plans to start remediating trichloroethylene (TCE) contaminated soils in October 2017.

Meramec Feasibility Study Coordination Meeting Summary (MO)

Key Message:

- On July 12, 2017, EPA Region 7 participated in a Meramec (Lower Big River) Feasibility Study meeting with US Fish and Wildlife, Army Corp of Engineers, MDNR, MDC, and stakeholders involved in future work related to natural resource (NRD) damage assessment/restoration and remediation of contaminated sediment and floodplain soil.
- The meeting focused on coordination efforts to minimize costs and redundancies through the sharing and utilization of data across the Agencies, connecting future projects related to the NRD and EPA feasibility studies, and developing joint communication messages.
- Meeting attendees also discussed three primary inter-agency cooperation opportunities and a set of river locations where response actions could be beneficial in reducing contaminated sediment transport.
- EPA's development of the Feasibility Study (FS) for the lower Big River is contingent on the Remedial Investigation which is projected to be completed around January 2018.

Educational Visit to the Regional Office from KCK Youth

Key Message:

- On July 21 2017, interns from Kansas City, Kansas' Historic Northeast-Midtown Association's (HNMA) 2017 Learn To Earn Program will be visiting the EPA Region 7 office for an educational session.
- Region 7 employees will review the mission of the agency and environmental subjects which are priorities for the Northeast area - Superfund, air quality, and water quality. Northeast Kansas City, Kansas is an area which includes an industrial corridor near a residential area with high rates of poverty.

EPA Quality Assurance Training with State Partners

Key Message:

- On July 11-13, 2017, the EPA R7 Superfund Division hosted a four-module Quality Assurance Training delivered by the Regional QA Office. The training was attended by 28 regional Superfund and RCRA Employees as well as 16 employees from KDHE, IDNR, and MDNR.
- EPA also delivered the training via live webinar which was attended by approximately 40 employees at KDHE, NDEQ, IDNR, and MDNR. The webinar was recorded for future playback and virtual training delivery.

Region 7 Hosts National Wetlands Workshop

Key Message:

- On July 18-20, 2017, the EPA Region 7 Wetlands Program hosted the first national workshop for the Enhancing State and Tribal Programs (ESTP) Initiative. The training was delivered to 43 management and staff from all ten Regional Offices and Headquarters, in person and through web connect.
- The goal of gathering EPA's ESTP Wetland Coordinators was to enhance communication internally and externally in an effort to better serve and strengthen State and Tribal wetland programs.

Region 8

Hot Issues

R8 Releases 2 Proposed Plans for Eagle Mine Superfund Site, Minturn, CO

Key Message: On June 28, 2017, in conjunction with CDPHE, the EPA simultaneously released a Proposed Plan for a Record of Decision Amendment for Operable Unit 1 and a Proposed Plan for a Record of Decision for Operable Unit 3 at the Eagle Mine Superfund Site.

- A public meeting is planned for Tuesday, July 25, at Colorado Mountain College, Edwards, CO.
- The OU1 current remedy and the preferred alternative covered in the Proposed Plan is, and will be, conducted by the responsible party, CBS.
- The OU3 remedial work described in the preferred alternative and covered in the Proposed Plan will be conducted by a Bona Fide Prospective Purchaser, Battle Mountain, LLC.
- Region 8 has extended the comment period to September 10.

Comments On EPA's Proposed Approval of NDIC'S UIC Class VI Program

Key Message: EPA issued a proposed rulemaking on May 19, 2017, requesting public comment by July 18, 2017, on the North Dakota's Industrial Commission's (NDIC) UIC Class VI (carbon geo-sequestration) primacy application.

- Approximately a dozen public comments were received from groups including the Carbon Sequestration Council, Center for Carbon Storage, the Energy and Environmental Research Center, Sierra Club, and the Natural Resources Defense Council (NRDC).
- While the majority of commenters were in favor of EPA's proposed approval of the first in the nation State-implemented UIC Class VI program, some of the comments (e.g., from the NRDC) questioned whether the NDIC's Class VI rules were as stringent as EPA's federal UIC Class VI regulatory requirements.
- EPA Region 8's UIC program will be reviewing and addressing these comments with the assistance of ORC, OGWDW and the NDIC to determine whether any revisions are needed to the NDIC's primacy application (including its Class VI rules).

Update: Meeting held on American Gilsonite Corporation Aquifer Exemption request

Key Message: The EPA's UIC Program met with representatives from the American Gilsonite Corporation (AGC) and Senator Mike Lee's office to discuss the status of their Aquifer Exemption (AE) request near Bonanza, Utah.

- The Region 8 UIC program shared that we are preparing to deny the AE request because AGC has not provided an adequate technical demonstration that fluids injected from mine de-watering would remain within the exempted area. Without this demonstration, an aquifer exemption would not be adequate to prevent endangerment of adjacent underground sources of drinking water (USDWs) or to comply with the prohibition of fluid movement into a USDW at 40 CFR Part 144.12.
- AGC disagreed with this recommendation, and suggested that EPA rely on a published study that predicts the aquifer is not a USDW instead of water samples pulled from the injection well.
- The UIC program offered to provide technical assistance on other options the company could consider for how to still use the injection well, such as recompleting the well into a deeper formation or developing a different injection zone model to support their AE request. AGC was not interested in discussing other options because of cost concerns.
- AGC stated multiple times on the call that they need a decision from EPA as soon as possible, regardless of what that decision is, so that they can decide what next steps they need to take.
- AGC is likely to appeal a denial decision.
- Region 8 is prepared to sign the denial of AGC's Aquifer Exemption request and issue that decision early next week.
- Senator Lee's staffer requested a subsequent call to discuss the status of AGC's NPDES enforcement

case.

Upcoming Public Events

Presentation to the Colorado Water Quality Forum on PFCs and emerging contaminants in drinking water

Key Message: On July 21, 2017, the Region 8 Safe Drinking Water Program will present on EPA's role where PFCs have been detected in water supplies in Colorado, how EPA drinking water regulations work, and what a drinking water health advisory represents.

- The Colorado Water Quality Forum is a group of diverse parties representing a broad spectrum of stakeholder interests in water quality management. Participants include water suppliers, industrial and municipal dischargers, environmental groups and federal, state, and local governmental agencies.
- A panel discussion on emerging contaminants in drinking water will follow the presentation.
- Other panelists are: Chris Higgins, Professor at the Colorado School of Mines, and Ron Falco, Drinking Water Program manager at the Colorado Department of Public Health and Environment.
- Region 8 coordinated with OPA and OW on talking points for this event.

Public meeting next week on PFCs in drinking water in the Security, Widefield, and Fountain area.

Key Message: Region 8 Safe Drinking Water, CERCLA Assessment, and Communications staff are participating in the open-house style public meeting on July 25, 2017, to update residents on ongoing efforts to address drinking water contamination.

- Subject matter experts from the Air Force, the Colorado Department of Public Health and Environment, El Paso County Public Health, and representatives of public water systems in Security and Fountain will provide information to the public and answer questions.
- The Air Force plans to release its site investigation report that same day confirming that PFCs were released on Peterson AFB, and indicating that more sampling is needed specifically around three paleo-channels to understand the movement of PFCs off the installation. This additional sampling will be done as a phase 2 site investigation later this year.
- The public meeting will be preceded by a meeting with local civic leaders and a media session on the afternoon of July 25.
- Region 8 coordinated with OPA and OW regarding messages to share at this event.

Upcoming Major Decisions – None.

Last Week Highlights – None.

Region 9

HOT ISSUES

Anaconda, NV: we convened a stakeholders' roundtable discussion in Yerington, NV regarding NPL deferral of this site. Participants included NV DEP, BLM, the Yerington Paiute Tribe, Walker River Paiute Tribe, community and not-for-profit groups, Atlantic Richfield Company, and local government representatives. Work on multilateral administrative agreements among parties is proceeding well, as we aim for a late August/early September completion. While in Washington DC, I met with BP's Bob Miner to discuss progress.

Nevada Regional Haze: I'll sign a Federal Register notice finalizing approval of the Nevada Regional Haze Progress Report.

Arizona 303(d) List: we will act upon Arizona's 2016 Clean Water Act 303(d) submittal of impaired waters requiring a Total Maximum Daily Load. We'll approve all waterbodies and associated pollutants on the submittal list, and per ADEQ's written request, will propose to add six waterbody-pollutant combinations to the list.

EXTERNAL ENGAGEMENT:

Hawaii: our senior management team will meet with our Hawai'i Department of Health colleagues in San Francisco to discuss program performance issues.

California Water Boards: we'll meet with the CA Water Resources Control Board's management team (State Water Board and nine Regional Water Boards) to discuss our mutual priorities for the upcoming year.

Job Training Graduation: On July 28, we will speak at the Richmond (CA) BUILD graduation ceremony of this program which trains community members in solar panel installation and other work at San Francisco Bay Area redevelopment projects.

PAST WEEK HIGHLIGHTS:

Removing PCBs in Storm Drains: we're working with a large hospital group, Kaiser Permanente, on removal of PCB-contaminated sediments from storm drains at their Oakland and San Francisco complex of hospitals. Kaiser will submit a schedule for sediment removal and implementation of best management practices for storm drain protection, which will complement implementation of the San Francisco Bay PCB TMDL.

Greener Cleanups: our "Greener Cleanups Evaluation" of a LUST Site on the Colorado River Indian Tribes reservation resulted in best management practices such as recycling approximately 100,000 gallons of recovered product, use of alternative fuel vehicles, and installation of on-site solar power sources. Our evaluation will serve as a model for other Region 9 sites.

Brownfields Honolulu: we awarded \$900 K in Brownfields assessment and cleanup funding to the new Honolulu light rail system to remediate three sites along its 21-station system. We provided grants management training and toured the areas where the funds will be invested. The light rail system features fully-automated driverless trains with the capacity of 10 city buses in a city notorious for its traffic jams.

Superfund Consent Decree: our sixth and last planned consent decree was lodged for the Rockets, Fireworks and Flares site in So. California. The defendant and owner of a portion of the 160-acre area of perchlorate- and TCE-contaminated soil and groundwater site will pay \$5.9 million to help fund the cleanup and partially reimburse EPA for money spent on investigation work. Cleanup is underway per settlements reached in 2012 and 2013 with Emhart Industries and the Goodrich Corporation/UTC.

Region 10

Hot Issues

Idaho Department of Water Resources Seeks Changes to Underground Injection Control Program for Oil and Gas Permitting: The Idaho Department of Water Resources has been working with EPA to update its federally-approved Underground Injection Control Program to allow Class II oil and gas disposal wells. This class of well was explicitly banned by the state when it applied for primacy for this program in 1985. The state is seeking this change in response to the development of an oil and gas field in the southwest portion of the state. Region 10 has been working with IDWR on its application to update its program and add rules for Class II wells so that they will be consistent with federal rules. In the meantime, because Class II wells are currently not allowed in the state, IDWR has begun encouraging oil and gas operators in the state to apply directly with EPA for Class II injection well permits.

Eastern Michaud Flats Superfund Site Construction Activities Approved (ID): On July 18th, Region 10's Superfund program gave the FMC Corporation permission to proceed with construction of stormwater channels, planned as part of ongoing soil cleanup actions at the FMC site in southeast Idaho. The Shoshone-Bannock Tribes raised questions about the channels and requested that construction be delayed until their questions were answered. Region 10 responded to the Tribes' questions and then provided FMC with the approval to proceed with the construction. The stormwater channels will divert surface water away from capped areas of the site, preventing infiltration and erosion of the caps. Under RCRA rules, EPA made the determination that the disturbance is necessary to reduce a threat to the environment. The Tribes continue to have concerns.

Upcoming Public Events

Region 10 Meets with Yakama Tribal Nation re: PCB Contamination (OR and WA): At the request of the Yakama Nation, on July 24th Region 10 staff and managers will meet with the Tribe, the Oregon Department of Environmental Quality, the Washington Department of Ecology and the U.S. Fish and Wildlife Service to discuss concerns related to PCBs on Bradford Island located near the Bonneville Dam on the Columbia River, and possible additional data collection.

Western Association of State Departments of Agriculture Meeting: From July 24 – 28, the Western Association of State Departments of Agriculture will meet in Sun Valley, Idaho. Ken Wagner, Senior Advisor to the EPA Administrator, will attend as will representatives from Region 10. Region 10 has provided briefing materials on a range of issues of interest to our four states.

Upcoming Major Decisions

Region 10 to Approve Idaho's Clean Air Act Infrastructure State Implementation Plan: Region 10 plans to approve Idaho's Infrastructure SIP for the PM_{2.5} annual standard in the next two weeks. Whenever a new or revised ambient air quality standard is promulgated, each state must submit a plan for the implementation, maintenance, and enforcement of the standard – commonly referred to as "infrastructure" requirements. On December 23, 2015, Idaho submitted such a plan to address the annual particulate matter (PM_{2.5}) standard, which was revised in 2012.

Region 10 to Approve Alaska's Clean Air Act State Implementation Plan Update: On September 15, 2016, the Alaska Department of Environmental Conservation submitted to EPA its annual SIP revision to ensure consistency with federal Clean Air Act requirements. Region 10 proposes to approve these SIP revisions on June 13, 2017. In the same action, the region also proposes to approve SIP revisions to Alaska's general and transportation conformity regulations submitted to EPA on March 10, 2016. EPA received one comment from ADEC in support of EPA's proposed action and another anonymous general comment supporting clean air. The action is routine in nature, noncontroversial and received no adverse comments.

Last Week Highlights

Region 10 Supports Oregon DEQ in Response to Uncontrolled Chemical Storage: On July 12th, EPA received a request from the Oregon Department of Environmental Quality to respond to abandoned chemical containers stored in a building on private property in Riddle, Oregon. An ODEQ inspector found numerous labeled, unlabeled, and compromised containers, some of which were open and releasing their contents onto the floor. A variety of hazardous were identified that can cause fire, explode, or release toxic gases when mixed. Public access to the building was not secure, presenting a potential threat to anyone entering the premises and a potential threat for further release of chemicals to the environment due to vandalism or theft. EPA's On-Scene Coordinator and contractors inventoried 245 containers, and 26 drums, one 20 lb. drum of elemental mercury, and one cubic-yard of waste were shipped off site.

Regional Tribal Operations Committee: The Region 10 Regional Tribal Operations Committee, including elected tribal leaders from Alaska, Idaho, Oregon and Washington, met via teleconference on July 20th. The agenda included discussion on a range of issues including: EPA's FY2018-2019 National Program Manager Guidances; the proposal to withdraw Bristol Bay-Pebble Mine CWA 404(c) Proposed Determination; E-Enterprise Leadership Council; Public Participation Policies and Practices developed by Tribes; and promotion of an upcoming webinar on Tribal Council Oversight of IGAP Agreements.

Region 10 Issues Information Request for Emissions Testing to KapStone Kraft Paper Corporation (WA): On July 13th, Region 10 with concurrence from OECA, issued KapStone an Information Request for emissions testing of its M&D Digester for hazardous air pollutants and total reduced sulfur. The purpose of the emissions testing is to determine whether digester process emissions are being emitted to the atmosphere and thus required to be routed to a control device pursuant to the National Emissions Standards for Hazardous Air Pollutant Emissions from the Pulp and Paper Industry (NESHAP).

Office of Administration and Resources Management (OARM)

Hot Issues

VERA/VSIP update

Eligible employees were notified on July 13th of their option to participate. Applications will be accepted through July 26th. To date, a total of 414 applications have been received with the following breakdown:

Program	Total	Region	Total
AO	13	Region 1	26
OAR	3	Region 10	4
OARM	28	Region 2	7
OCFO	16	Region 3	43
OCSP	13	Region 4	23
OECA	41	Region 5	27
OEI	17	Region 6	36
OGC	1	Region 7	32
OITA	3	Region 8	3
OLEM	12	Region 9	12
ORD	31		
OW	23		Total: 414

Upcoming Public Events

Student Summer Interns and Volunteers Meet and Greet Event

OARM has coordinated with the Administrator's office to schedule a meet and greet event with the 2017 student summer interns and volunteers for Tuesday, July 25, 2017. Administrator Pruitt will be speaking to the interns and volunteers at approximately 3:00 p.m. The students will also be hearing from EPA senior leaders about the various internal agency programs.

Upcoming Major Decisions

None

Last Week's Highlights

Lean Training

OARM is sponsoring Lean Six Sigma Green Belt Certification training from July 17-21. OARM's Business Process Improvement Coordinator, and resident Lean Six Sigma Master Black Belt, is conducting the training for OARM managers and staff.

Office of Air and Radiation (OAR)

OAR Highlights

- **Air Quality Trends through 2016:** Next week we plan to post on-line an update to the trends report to reflect air quality monitoring data through 2016. Key messages this year include (more in the attached flyer):
 - Driven by state and federal work to cut pollution from stationary and mobile sources, emissions of key air pollutants continue to decline from 1990 levels.
 - Between 1970 and 2016, the combined emissions of the six common pollutants, including particulate matter and sulfur dioxide, dropped by 73 percent. This progress occurred while the U.S. economy continued to grow, Americans drove more miles and population and energy use increased.
 - Through successful state led implementation, numerous areas across the country are showing improvement in meeting national ambient air quality standards (NAAQS), and fewer areas are in nonattainment.
- **State Implementation Plan (SIP) Metric:** This week we will be submitting data to OCFO for a measure that will track our progress acting on SIPs submitted by the states. We anticipate the first official quarterly measures report will be ready for the Administrator in mid-August.

Upcoming Hot Issues and Important Deadlines

- **Proposed Rules under review at OMB:**
 - Municipal Solid Waste (MSW) Landfills New Source Performance Standards (NSPS) and Emission Guidelines (EG)
 - Review of the Clean Power Plan
- **Sulfur Dioxide (SO₂) Designations:** Per a court order, we have a December 31, 2017, deadline to promulgate final SO₂ area designations for Round 3 (which includes modeled areas and areas without monitors). To meet this deadline, the Regional Administrators will need to send 120-day letters to the States in early August in which we will notify the States of any intended modifications to their attainment/nonattainment recommendations.

Upcoming Meetings, Public Events, or Other Public Releases

- **Meeting with National Association of State Energy Officials (NASEO):** On July 26th, OAR staff will meet with new State Energy Directors of NASEO during their training and orientation program.
- **Renewable Fuel Standard (RFS) public hearing:** We will be holding a public hearing on August 1, 2017 for the proposed 2018 RFS standards. The hearing will be here in D.C.

Upcoming Decisions

- **For Administrator's Signature – Off-Site Waste and Recovery Operations (OSWRO):** Per a revised settlement agreement, we now have a one week extension, to July 27, for signature on proposed amendments to the monitoring requirements on pressure relief devices (PRDs) on containers found at OSWROs. (OSWROs are major sources that receive certain wastes, used oil, and used solvents from off-site locations for storage, treatment, recovery, or disposal). The package is with OP for review.
- **For Administrator's Signature – Title V Petition Response for Alon:** We have a July 31st deadline for signature on a response to a request that EPA object to a title V operating permit issued to the Alon USA-Bakersfield Refinery (located in California). The package is in the Administrator's office for review.
- **For Administrator's Signature - Phosphoric Acid Manufacturing and Phosphate Fertilizer Production Risk and Technology Review (RTR):** This final rule responds to two petitions for reconsideration filed by industry stakeholders on the RTR. The package is with OP for review.
- **For Administrator's Signature – Procedure 6 Technical Amendments:** This final rule makes technical amendments to Procedure 6 to resolve some minor inconsistencies between the initial proposal and final

publication. (Procedure 6 specifies the minimum requirements necessary for control and assessment of the quality of continuous emission monitoring systems data submitted to EPA and used for hydrogen chloride emissions compliance determination at stationary sources). The package is with OP for review.

- **For Administrator's Signature – Refrigerant Management Regulations for Small Cans of Motor Vehicle Refrigerant:** This direct final rule and parallel proposal corrects a potential conflict in a November 2016 final rule that updated EPA's refrigerant management regulations. The package is with OP for review.
- **For Administrator's Signature – Revisions to Procedure 2 – Quality Assurance Requirements for Particulate Matter (PM) Continuous Emission Monitoring Systems (CEMS) at Stationary Sources:** This rule finalizes the changes to Procedure 2 - related to PM CEMs - that were proposed on November 21, 2016, and responds to the adverse comment received in response to the proposal and direct final rule. Industry has asked for the revisions to this rule. The package is with OP for review.
- **For Administrator's Signature – Proposed Rule to Approve Request from Louisiana to Relax the Summer Gasoline Volatility Standards for Certain Areas in the State:** This proposal, when finalized, will approve the State of Louisiana's request to relax the Federal Reid Vapor Pressure (RVP) gasoline standard from 7.8 pounds per square inch (psi) to 9.0 psi for 11 Louisiana parishes that currently meet the ozone National Ambient Air Quality Standards (NAAQS). The package is with OP for review.
- **Delegated to Division Director Level – Notice of Intent to Establish Voluntary Criteria for Radon Credentialing Organizations:** The Director of the Indoor Environments Division (IED) plans to sign a Federal Register Notice next week to seek public feedback on a proposed approach for developing voluntary criteria for organizations that credential radon service providers. These criteria will help promote continued quality of radon services in the marketplace. States and private industry stakeholders support EPA establishing such guidelines for credentialing organizations to reflect current industry standards and best practices, and this year's appropriations contained language urging EPA to use FY17 funds to begin establishing criteria for credentialing. After signature, the notice will go to OP for submittal to the Federal Register.

Recap of the Past Week

- **Action signed this week:** 90-day comment period extension for the Health and Environmental Protection Standards for Uranium and Thorium Mill Tailings proposed rule.
- **2017 Targeted Air Shed Grant Program:** The Agency has announced the availability of funds and is soliciting applications from eligible entities to compete for financial assistance through the Targeted Air Shed Grant Program. [Background: This program assists local, state and/or tribal air pollution control agencies in developing plans, conducting demonstrations, and implementing projects to reduce air pollution in nonattainment areas that EPA determines are the top five most polluted areas relative to ozone, annual average fine particulate matter (PM_{2.5}), or 24-hour PM_{2.5} National Ambient Air Quality Standards (NAAQS). The overall goal of the Targeted Air Shed Grant program is to reduce air pollution in the Nation's areas with the highest levels of ozone and PM_{2.5} ambient air concentrations].

Office of Chemical Safety and Pollution Prevention (OCSP)

IMPORTANT DEADLINES

Determination Type	Pending on 7/11/2017	Pending on 7/18/2017	Determinations Completed* as of 7/11/2017	Determinations Completed* as of 7/18/2017	Determinations Posted on the Website as of 7/18/17
# of "not likely" determinations	3	2	89	90****	90****
# of §5(e) Orders signed by both EPA and the submitter	-	-	219	222	219
# of §5(e) Orders signed by EPA and awaiting submitter signature	63 (corrected number = 56)	73	-	-	-
# of cases in Order development process	245*** (corrected number = 252)	236***	-	-	-
# of cases flagged for in-depth review	81	72	-	-	-
# of PMNs, SNUNs and MCANs awaiting FOCUS (within 90-day review)	24	23	-	-	-
# of LVE/LOREX exemption grants	-	-	401	414	411*****
# of LVE/LOREX exemption denials	-	-	99	99	88*****
Total number of cases	416**	406**	808	825	-
Backlog	116	106	-	-	-

* "Determinations Completed" means that EPA has completed its reviews on these cases and that final determinations have been made by EPA under TSCA section 5(a)(3).

** Of these cases, approximately 300 cases are the normal active workload for the New Chemicals Program.

*** Of these cases, approximately 94 are lung toxicity cases that are suspended while EPA conducts its evaluation of these types of effects.

**** "Not Likely" determinations are not posted until the final determination document is prepared and has been shared with submitter.

***** Previous editions of this table included cases for which either an interim or a final determination of "not likely" had been made. This edition only includes cases for which a final determination has been made.

***** Different criteria had been used in editions of this table prior to May 23, 2017, for the counting of exemptions for "determinations completed" and "determinations posted." These have now been standardized.

HOT ISSUES

LAST WEEK HIGHLIGHTS

On July 18, the Ninth Circuit dismissed the Petitioners' motion for additional mandamus relief that sought an order to compel EPA to respond to the substance of PANNA & NRDC's 2007 petition to revoke all chlorpyrifos food residue tolerances and cancel all chlorpyrifos registrations. EPA opposed the motion, arguing that EPA's March 29, 2017, order denying the petition in full had satisfied the court's August 2016 order to issue a final petition response by March 31, 2017. EPA argued that the substance of EPA's denial was not a matter before the court because the court's limited role in a mandamus action is to compel required action – a response to the petition – and not to evaluate the merits of that action. EPA made clear that the substance of EPA's response will be fully addressed in the FFDCA administrative objections process where EPA is currently evaluating objections from Petitioners and others to the March 29 order. The court agreed with EPA.

Reports of Crop Damage from Use of the Pesticide Dicamba

In late 2016, EPA registered the herbicide dicamba for use on dicamba-tolerant cotton and soybeans. Monsanto, BASF, and DuPont have dicamba pesticide products. Since June 2017, the EPA has been receiving reports that there have been a high number of crop damage incidents involving dicamba in the 2017 growing season. The number of complaints is especially high in Arkansas, Missouri, Mississippi and Tennessee. Incidents have also recently been reported in several other states, including those in the north. OPP has met with Monsanto and BASF to discuss the reported damage and will continue to have discussions as more details become available. On July 13, OPP held a teleconference with state agriculture experts from AR, GA, IN, MO, MS, NE and TN to discuss and gather information on the scope and source(s) of damage, participation of growers in training programs prior to application, and to identify measures that could be used to prevent damage. OPP is working with OECA as the investigation of these reports continues.

Office of the Chief Financial Officer (OCFO)

Hot Issues

- N/A

Upcoming Public Events

- N/A

Upcoming Major Decisions

- OCFO finally received from our Senate Appropriations Committee Questions for the Record following the Budget Hearing. We will begin the process to have them answered, reviewed and approved by OMB. At this time, the Senate has not provided a due date.
- On July 18, the House Appropriations Full Committee proposed funding for EPA within the FY 2018 Interior, Environment and Related Agencies bill at approximately \$7.52 billion, \$6 million less than the July 12 House Subcommittee mark. The Full Committee mark is \$534 million less than the FY 2017 Enacted Budget and \$1.869 billion more than the FY 2018 President's Budget. House Floor action is not yet scheduled. The Senate Appropriations Committee has not scheduled its mark-up.
- Following the Senior Leadership discussion at the Budget and Planning meeting, OCFO will be preparing a decision document and scheduling a meeting with the COS and Acting DA. We would like to get decisions before the end of the month in order to issue guidance to the agency. This will then allow enough time to prepare budget materials for submission to OMB on September 11th.
- In response to agency senior leaders, the deadline has been extended for FY 2018-2022 EPA Strategic Plan narratives, strategic measures, and Agency Priority Goal statements to July 26. The deadline for submission of completed risk assessment tools for each of the 11 new strategic objectives in the FY 2018-2022 EPA Strategic Plan has also been extended to August 2. Additional time will support agency Senior Leaders and Policy Team Members' review and NPM/regional engagement.

Last Week Highlights

- After many reviews internally and negotiations with OMB, the House Appropriations Questions for the Record were expected to be completed and sent to the Hill this evening.
- The OIG declared EPA's travel card program to be of low risk based on required and additional controls in place to prevent waste, fraud, and abuse. OCFO provided training to nearly 30 OA travel preparers on key travel policy regulations and how to process travel authorizations and vouchers (e.g., reimbursements) in the travel system, Concur.
- OCFO received most measure data from NPMs, and is following up on some outstanding information for FY 2017 Q3 Quarterly/Monthly Measures Report for the Administrator. Expect to have first draft Q3 report for review soon.

Other

- Completed state-NPM (OAR, OLEM, OECA, OW) and tribal calls on Draft FY 2018-2019 NPM Guidances. In response to request from tribes, scheduled additional tribal conference call on July 31. After public comment period concludes on August 4, NPMs will review and incorporate comments, as appropriate, and finalize the NPM Guidances and released to the states, tribes, and public in August.

Office of Congressional and Intergovernmental Affairs (OCIR)

Upcoming Hot Issues and Important Deadlines

July 19 - The proposed RFS Proposed Volume Standards for 2018 and the Biomass-Based Diesel Volume for 2019 expected to be published in the Federal Register on July 21 with comments due by August 31.

TBD - Senate Environment and Public Works Committee Hearing on the President's FY 2018 Budget – Agency witness: Administrator Pruitt

Upcoming Events

Week of July 24- Mayor Aquanetta Warren and her team will be in Washington, DC. OIR is working with Mayor Warren's staff to arrange a time, determine topics for discussion, and confirm EPA staff participation.

Week of July 24- OIR will meet with Commissioner Nick Fish, Bureau of Environmental Services to discuss the Portland Harbor, Portland, Oregon Superfund Clean-up. Staff from OLEM and Region X will join OIR for the meeting. Jason Minor, Governor Kate Brown's Natural Resources Manager; Kristen Leonard, Port of Oregon's Chief Public Affairs Officer; and, Annie Von Burg, City of Portland, will accompany Commissioner Fish

July 26 - Briefing for House Energy and Commerce and House Transportation and Infrastructure Committee staff on the Superfund program and Task Force.

August 2 - Len Ashack, Director of the Wastewater Department, and Dale Orem, Vice President, Sanitary Sewer Board, Jeffersonville, Indiana, will meet with DAA Bennett, Advisor Bangerter, and OGC, OW, OECA, and DOJ, Region V staff to discuss the city's concerns about water infrastructure challenges, including the community's ability to finance Long Term Control Plan (LTCP) and Consent Decree requirements.

Past week accomplishments

July 17 – EPA attended the ECOS STEP meeting. Troy Lyons and Ken Wagner participated on a panel discussing Federal and State Cooperation.

July 17 – Notification for 12 WIFIA projects selected to move forward; public release July 19

July 19 - OCIR representatives attended an OAR briefing on the 2017 Air Trends Report – an interactive website that presents the trends in the nation's air quality. OAR intends to release the site to the public the week of July 24.

July 18 – EPA hosted the ECOS-EPA Leadership meeting. The meeting provided an opportunity to continue the dialogue on Federal – State Cooperation. Other topics included the Superfund program and Waters of the US.

July 18-20 – The Agency's Senior Leadership Council met to discuss topics leading up to the development of the FY 2019 OMB Budget Submission.

July 19 - Subcommittee on Water Resources and Environment of the House Transportation & Infrastructure Committee held a hearing on "Building a 21st Century Infrastructure for America: Implementation of the Water Resources Reform and Development Act of 2014 and the Water Resources Development Act of 2016."

July 21 – Call with SEPW minority staff on Pesticide General Permit

Ongoing activities

Continue to coordinate responses to multiple oversight letters, congressional and gubernatorial correspondence, and FOIA requests. We closed out 37 letters during the previous two weeks. We closed out 5 FOIA's this week.

The OIR team is finalizing the PPG Capacity Analysis project outline and will begin a preliminary analysis to identify PPG baseline metrics to determine each state and regions' capacity. The team plans to establish these metrics by late July.

OMB asked for comment on S.1460 the *Energy and Natural Resources Act of 2017*. The bill is the successor to Sen. Murkowski and Sen. Cantwell's legislation from the previous Congress. This bill was placed directly on the Senate Calendar for expedited floor consideration. It has 11 titles ranging from energy efficiency to

conservation to infrastructure to Native American energy.

Office of Enforcement and Compliance Assurance (OECA)

Hot Issues

Meeting with the OIG on the Recent Flint Water Crisis Discussion Document: On July 19th, OECA met with and provided comments to the Office of Inspector General (OIG) on the OIG Discussion Document titled “Insufficient Internal Controls Delayed Response to Flint Water Crisis.” The comments were focused for the most part on the OIG’s recommendations in the report, and were coordinated with the Deputy Administrator’s Office, the Office of Water, and Region 5. The Region will be filing supplemental comments next week.

Upcoming Public Events

OECA DAA to Speak at 29th Annual Texas Environmental Superconference: On August 4th, Patrick Traylor, OECA’s Deputy Assistant Administrator, will speak on a panel at the Texas Environmental Superconference in Austin, Texas, hosted by the State Bar of Texas, Environment & Natural Resources Law Section. Patrick will speak about a range of environmental enforcement issues, along with Avi Garbow, former EPA General Counsel, John Cruden, former Assistant Attorney General for the Department of Justice Environment and Natural Resources Division, and a member of the leadership team at the Texas Commission on Environmental Quality.

Upcoming Major Decisions

None.

Last Week’s Highlights

Clean Air Act Revised Consent Decree: On July 20th, the United States lodged a revised consent decree against Harley-Davidson that removed a mitigation project originally included in the complaint/consent decree filed in August 2016. The U.S. revised the consent decree due to concerns that the original language – requiring defendants to pay a non-governmental third-party organization to carry out a mitigation project – may be inconsistent with the June 5, 2017, Attorney General Policy *Prohibition on Settlement Payments to Third Parties*. Although it is not clear whether the proposed mitigation project would be inconsistent with the new policy, the U.S. decided that on balance, it was in the public interest to remove the project and move forward with the other important relief secured by the consent decree. The revised consent decree will be open for public comment for thirty days after the requisite Federal Register Notice is published.

OECA Meeting with Acting Regional Administrators: On July 20th, OECA Senior Leadership met with the Acting Regional Administrators and Acting Deputy RA’s to discuss cooperative federalism, the compliance assurance toolbox, and other issues covered at the recent Senior Enforcement Managers Meeting.

Meeting with FedCenter Board: On July 19th, representatives from OECA’s Federal Facilities Enforcement Office met with representatives from the Council on Environmental Quality and other federal agencies (USDA, DOI, DOE, HHS, NASA, VA, and the US Army Construction Engineering Research Laboratory) for the quarterly FedCenter Board Meeting. FedCenter is sponsored and was launched by OECA in 2005 to provide virtual environmental compliance assistance and sustainability information to Federal agencies through a collaborative partnership with the Army Corps of Engineers, and other federal civilian agencies.

RINs Criminal Fraud Case: On July 18th, the owners of Triton Energy were sentenced to over 7 years of incarceration in the Northern District of Indiana for conspiracy, fraud and false statements arising from their participation in a scheme that generated over \$60 million in fraudulent tax credits and U.S. EPA renewable fuel credits (RIN credits) at the company, which purported to produce and sell biofuel for use as transportation fuel. EPA’s criminal program worked closely with the FBI and IRS Criminal Investigation Division to investigate this case.

Guilty Plea in Clean Air Act Motorcycle Emissions Case: On July 14th, an employee of Suzuki Motor of America, Inc. in Brea, California pled guilty in the Eastern District of Michigan to a single felony Clean Air Act count for knowingly submitting false information to the EPA regarding the hydrocarbon and nitrous oxide emissions of 23,528 Class III (2012 model year) Suzuki motorcycles. The defendant submitted false information in two reports to EPA (indicating that Suzuki did not exceed emissions limits), when in fact the company had exceeded limits in violation of the Clean Air Act. This case was jointly investigated by EPA, the Department of Homeland Security, and the U.S. Postal Inspection Service.

NEPA Outreach: On July 19th, OECA's Office of Federal Activities met with Federal Transit Administration NEPA staff to discuss efforts to streamline the environmental review process, as well as opportunities for early collaboration in the process. The meeting also included a discussion of ideas for improving agency relationships.

Training on the National Historic Preservation Act: This week, OECA's Office of Federal Activities presented an introductory course on the National Historic Preservation Act (NHPA) to Agency staff, the Florida Dept. of State, and the Idaho DEP, as well as several tribes. Participants learned about the nature of historic properties and how to determine a project's potential effect on such resources within the context of various EPA programs. The training also discussed ways in which EPA works with consulting parties, including the public, tribes, and state historic preservation offices. The training was conducted under the auspices of the National Enforcement Training Institute (NETI) office at EPA Headquarters and was broadcast to Regional staff through GoTo Seminar. Participants included the. The training was recorded and is available on the EPA NETI website.

Office of Environmental Information (OEI)

Last Week's Highlights

Most Individual Public Comments Received Ever on an EPA Docket

- **Brief description:** The EPA Docket Center has processed and posted all comments received on the EPA docket [Evaluation of Existing Regulations](#) (EPA-HQ-OA-2017-0190) to [Regulations.gov](#). EPA received a total of 467,143 public comments on the docket. While 403,647 of these comments were part of mass mail campaigns, 63,346 individual comments were posted to [Regulations.gov](#), making it the largest number of individual comments the EPA has ever posted for a single docket.
- **Who benefits or cares:** States, tribes, industry, the regulated community, environmental organizations and the general public.
- **Why this is important:** The EPA's Regulatory Reform docket was created to support the work of the EPA's Regulatory Reform Task Force, which sought input on all EPA regulations that may be appropriate for repeal, replacement or modification, as directed in [Executive Order 13777](#).
- **Additional information:** By comparison, the EPA's largest ever "commented on" docket, the Clean Power Plan docket in 2014, received over 4.3 million comments of which only 34,456 individual comments were posted to [Regulations.gov](#).

Smoothest Toxics Release Inventory (TRI) Reporting Cycle in Memory Complete

- **Brief description:** July 1, 2017, marked the reporting deadline for TRI facilities to submit chemical release data for 2016. All indications are that this has been the smoothest reporting cycle in memory.
 - Over 96 percent of the 21,327 regulated facilities reported by the deadline.
 - System improvements and changes reduced the number of Help Desk calls by 20 percent from previous years, while increasing data quality and improving system usability.
 - Facility reconciliation (manual verification of facility level changes in their submissions) was reduced by over 1,000 facilities and will be completed prior to the first transfer of the data to EnviroFacts. This is the lowest number of facility reconciliations, less than 300, since the TRI Program's inception 31 years ago.
 - The improved efficiencies are a result of a number of enhancements that include leveraging Central Data Exchange (CDX) and the registry services.
- **Who benefits or cares:** TRI-regulated facilities; states, tribes, territories and local communities and governments; and the general public.
- **Why this is important:** TRI data supports informed decision-making by communities, government agencies, companies and others. The performance and data quality from this year's reporting period is expected to improve the process for developing the annual TRI National Analysis.
- **Additional information:**
 - [TRI](#) tracks the management of certain toxic chemicals that may pose a threat to human health and the environment. U.S. facilities in different industry sectors must report annually how much of each chemical is released into the environment and/or managed through recycling, energy recovery and treatment. The information submitted by facilities is compiled in the Toxics Release Inventory.

Office of General Counsel (OGC)

Hot Issues

- On July 18, 2017, the Department of Transportation Departmental Office of Civil Rights and the U.S. Environmental Protection Agency's External Civil Rights Compliance Office issued letters accepting for investigation a complaint filed against the City of Oakland, Port of Oakland, and the Board of Port Commissioners alleging discrimination on the basis of race, color and/or national origin.

New Judicial Decisions

- EPA received favorable decision that rejected challenge to EPA's approval of Maryland's 2012 CWA 303(d) list in *Blue Water Baltimore, et al., v. Pruitt, et. al.*, No. 16-452 (D.D.C.). Specifically, Plaintiffs argued that EPA improperly delisted waterbody segments that received TMDLs through the Chesapeake Bay TMDL process because they also required "local TMDLs." The Court rejected their claims as moot because EPA had subsequently reiterated its approval (with a more robust record) thirty-five months later when it acted on Maryland's 2014 list.
- The D.C. Circuit issued its decision in a CAA 112(c)(6) case, *Sierra Club v. EPA*, No. 15-1246 (DC Cir.), and has remanded the matter to EPA for further proceedings. This case involves whether or not EPA has satisfied its obligation to promulgate MACT standards for source categories responsible for 90% of the emissions of particular pollutants. EPA had asked the court to dismiss the petition as untimely, arguing it was an impermissible collateral attack on old NESHAPS. The court concluded that the petition was not untimely and that EPA did not adequately respond to petitioners' comments raising the issues concerning the use of surrogacy in the administrative proceedings. The court denied the motion to dismiss and ordered the matter remanded to EPA for further proceedings.
- In *PANNA v. EPA*, the Ninth Circuit dismissed the Petitioners' motion for additional mandamus relief that sought an order to compel EPA to respond to the substance of PANNA & NRDC's 2007 petition to revoke all chlorpyrifos food residue tolerances and cancel all chlorpyrifos registrations. EPA opposed the motion, arguing that EPA's March 29, 2017, order denying the petition in full had satisfied the court's August 2016 order to issue a final petition response by March 31, 2017. EPA argued that the substance of EPA's denial was not a matter before the court because the court's limited role in a mandamus action is to compel required action – a response to the petition – and not to evaluate the merits of that action. EPA made clear that the substance of EPA's response will be fully addressed in the FFDCA administrative objections process where EPA is currently evaluating objections from Petitioners and others to the March 29 order. The court agreed with EPA.
- The Tenth Circuit issued a decision on July 19, 2017, in *Chevron Mining v. U.S.*, a case concerning whether the United States is a "potentially responsible party" under CERCLA for environmental contamination at the Questa Site, which is on U.S. National Forest land that was mined by Chevron Mining for decades. The Questa Site is currently being cleaned up by Chevron pursuant to three administrative orders between it and EPA. Although EPA is not a party to this litigation, EPA has a strong interest in CERCLA litigation involving other federal agencies, particularly at NPL sites. The Tenth Circuit held that the United States is liable as an owner under CERCLA. The Court also concluded that the United States is not liable as an arranger under CERCLA.

New Complaints Filed

- On July 18, 2017, the Environmental Law & Policy Center and Advocates for a Clean Lake Erie filed a complaint against EPA in the Northern District of Ohio bringing an arbitrary and capricious challenge to

EPA's May 19, 2017, approval of Ohio's CWA 303(d) list. In particular, the plaintiffs argue that EPA's approval was improper because the state declined to assess the open waters of Lake Erie for impairment due to harmful algal blooms notwithstanding the availability of data and information showing such impairment. This litigation follows two related mandatory duty lawsuits filed against EPA that were mooted out when EPA approved the list.

- On April 18, 2017, Food and Water Watch, Fluoride Action Network, and other advocacy groups filed a complaint against EPA in the Northern District of California, but did not serve EPA with the complaint until July 13. Plaintiffs had previously filed a petition to EPA pursuant to Section 21 of TSCA, requesting the Agency to initiate TSCA Section 6(a) rulemaking to prohibit the purposeful addition of "fluoridation chemicals" to U.S. water supplies. Petitioners argued that the practice of artificially fluoridating drinking water is unnecessary for dental reasons and that it poses unreasonable risks of neurotoxicity. On February 27, 2017, EPA denied that petition because the petition had not set forth a scientifically defensible basis to conclude that any persons have suffered neurotoxic harm as a result of exposure to fluoride in the United States. EPA also denied the petition for being incorrectly scoped, noting that it did not justify the regulation of "fluoridation chemicals" as a category, and did not touch on the other conditions of use of the particular chemicals asserted to qualify as "fluoridation chemicals." Plaintiffs dispute the interpretation of TSCA under which EPA concluded that their petition was improperly scoped and dispute EPA's assessment of the scientific merits of their petition.
- On July 12, 2017 environmental groups filed in the D.C. Circuit both a petition to review our notice announcing the 1-year extension of our deadline to promulgate designations for the 2015 ozone NAAQS and an accompanying motion for summary vacatur or, in the alternative, for stay pending judicial review of the extension (*American Lung Association, et al v. EPA*). The petitioners allege that the court should summarily vacate the extension notice because it "is flagrantly illegal and arbitrary." They allege that EPA has not identified any insufficiency of information of the sort that, under the statutory construct, would be a permissible basis for a delay, and instead that the Agency focuses on factors related to consideration of the ozone standard itself and compliance issues. The petitioners further claim that the Agency failed to explain why designations needed to be delayed nationwide. In the alternative, the petitioners ask the court to stay the designations delay. The argument here mirrors what petitioners outlined in their petition for an administrative stay.
- On July 20, 2017, the Environmental Integrity Project filed five separate lawsuits, each asserting that the EPA Administrator has failed to satisfy his obligation to grant or deny a petition to object a proposed title V operating permit for a particular facility in Texas: (1) ExxonMobil's Baytown Olefins Plant, (2) ExxonMobil's Baytown Refinery, (3) Pasadena Refining System Inc.'s Pasadena Refinery, (4) Motiva Enterprises LLC's Port Arthur Refinery, and (5) Southwestern Electric Power Company's Welsh Power Plant.

Notable NOI Received

- Via letter dated July 20, 2017, the state of Maryland provided EPA with a notice of intent to sue pursuant to the Clean Air Act for failure to perform a non-discretionary duty to both hold a public hearing over and take final action on a section 126 petition. In November of 2016, Maryland petitioned EPA, under section 126, to find that 36 power plant units located in Indiana, Kentucky, Ohio, Pennsylvania, and West Virginia emitted NOx in violation of the prohibition under the "good neighbor provision" of the CAA, by significantly contributing to Maryland's nonattainment or interference with maintenance of the 2008 ozone NAAQS. On January 3, 2017, the EPA issued, as

permitted under the CAA, an extension of time to act on that petition. The extension ran out on July 15, 2017, and EPA has still not held a public hearing nor acted on the 126 petition submitted by Maryland.

Upcoming Public Events & Important Meetings in the Next Two Weeks

- Acting General Counsel, Kevin Minoli, is out of the office from July 24 through August 1.
- Acting Principal Deputy General Counsel, Elise Packard, is out of the office from July 20 through July 28.
- All three political deputies in OGC will be in the office next week.

Upcoming Major Deadlines in the Next Two Weeks

- 07/21 Answer is due in *State of Connecticut v. EPA*, where EPA allegedly failed to grant or deny a section 126 petition filed by Connecticut regarding Brunner Island Steam Electric Station in York County, Pennsylvania.
- 07/21 Answer is due in *Sierra Club v. EPA*, where EPA allegedly failed to grant or deny a petition seeking an objection by EPA to the Title V Operating Permit renewal for the Tennessee Valley Authority's Gallatin Fossil Plant.
- 07/21 The Government's reply in support of its Motion to Dismiss is due in *Public Citizen v. Trump, et al.* a case challenging E.O. 13771.
- 07/21 EPA's response brief is due in *Environmental Integrity Project v. EPA*, a case where the State of North Dakota appealed the district court's decision to deny the State's intervention request and challenge to consent decree entered in December 2016.
- 07/21 EPA's dispositive motion supporting the adequacy of the search is due in *Judicial Watch Inc. v. EPA*, a FOIA case where a requester sought records related to the use and approval of a messaging application called "Signal" from July 2014 to the present.
- 07/24 EPA has a court-ordered settlement conference with mediator in *Ellis v. Keigwin* on the remedy phase where the court ruled partly in favor of EPA and partly against on the merits of both FIFRA and ESA claims concerning the registration of pesticide products containing clothianidiazin and thiamethoxam; only remedies for ESA claims remain at issue.
- 07/24 Motions to Govern are due in *State of Texas, et al. v. EPA*, a petition for review of EPA's final rule titled "Protection of Visibility: Amendments to Requirements for State Plans."
- 07/24 EPA's supplemental response brief on remedy is due in *State of North Carolina v. McCarthy* (note EPA is not planning to file a substantive response).
- 07/25 Motions to Govern Further Proceedings are due in *API v. EPA*, a challenge to EPA's Indian Country Oil & Natural Gas FIP.
- 07/26 Oral Argument is scheduled in *State of Texas, et al. v. EPA*, a case involving state and industry (Luminant) challenges to SO₂ designations for four Texas areas under the 2010 SO₂ national ambient air quality standards, which supplemented the Round 2 SO₂ designations final rule.
- 07/26 Answer due in *PEER v. EPA*, FOIA litigation alleging failure to respond to a FOIA request seeking

documents related to statements from Administrator Pruitt related to climate change.

- 07/26 Motion to Govern Further Proceedings is due in *ARIPPA v. EPA*, a Petition for review of Mercury Air Toxics Standards: Technical Corrections.
- 07/27 Oral Argument is scheduled in *State of Wyoming et al. v. Dep't. of Interior*, an appeal of a district court decision striking down BLM's hydraulic fracturing rule based on an exclusion in SDWA exclusion.
- 07/27 Hearing on EPA's Motion to Dismiss is scheduled in *Southern California Alliance of POTWs v. EPA*, a challenge by POTW groups to use in NPDES permitting of statistical approach known as the Test of Significant Toxicity (TST) for assessing whole effluent toxicity (WET).
- 07/27 EPA's brief due in *CBD v. EPA*, a mandatory duty suit regarding the Chevron 7z Title V petition, EPA has responded to the petition and the only remaining issue in the litigation is attorneys' fees.
- 07/28 Motion to Govern Further Proceedings is due in *Biogenic CO2 Coalition v. EPA*, a challenge to endangerment finding for GHG from aircraft.
- 07/28 EPA's Opposition to Plaintiffs' Motion for Summary Judgment and Cross-Motion for Summary Judgment is due in *Clean Water Action, et al. v. EPA*, a challenge to EPA's postponement of certain compliance deadlines in steam electric rule pursuant to APA section 705.
- 07/28 Brief of the United States is due in response to challenges of Sixth Circuit's decision that it has exclusive jurisdiction over the Clean Water Rule litigation under Section 509 of the CWA in *National Association of Manufacturers v. Department of Defense et al.*
- 07/28 EPA's Reply in support of renewed motion for summary judgment is due in *Pulliam v. EPA*, a FOIA case concerning an OIG failure to respond to a request seeking documents related to a possible investigation of Christine Todd Whitman.
- 07/31 EPA's Response is due in *Center for Biological Diversity, et al. v. EPA*, a case concerning EPA's alleged failure to grant or deny a petition requesting that EPA object to an Authority to Construct/Certificate of Conformity proposed by the San Joaquin Valley Air Pollution Control District for the Alon USA - Bakersfield, California Refinery Crude Oil Flexibility Project, Facility.
- 07/31 EPA's Notice of final rulemaking to take action on an outstanding SIP submittal for Imperial County, CA for NNSR – Moderate is due in *Center for Biological Diversity, et al. v. EPA*.
- 07/31 EPA's Answer is due in *Judicial Watch Inc. v. EPA*, a FOIA case related to EPA's alleged failure to respond to a request seeking documents related to the Thunderclap social media platform.
- 07/31 EPA's Answer due in *Shenandoah Riverkeeper, et al. v. Pruitt, et al*, an APA challenge to EPA's approval of Virginia's 2014 CWA 303(d) list.
- 07/31 EPA's Response brief due in *City of Taunton, Mass. v. EPA*, an appeal of nitrogen limits in NPDES permit issued by Region 1.
- 08/01 EPA's merits brief is due in *State of Utah, et al v. EPA*, a challenge to partial disapproval of Utah's regional haze SIP and promulgation of FIP.
- 08/01 Representative sample of documents for in camera review and any associated supplemental briefing

are due in *Hunton & Williams v. EPA*, a FOIA case concerning records related to an Approved Jurisdictional Determination (AJD) for the DMB Redwood City Saltworks site.

- 08/02 EPA has a court-ordered telephone mediation in *National Family Farm Coalition, et al., v. EPA*, a case related to EPA's Order granting registration under FIFRA section 3 of Dow AgroScience's "Enlist Duo" herbicide, containing the active ingredients 2,4-D and glyphosate, for use on genetically engineered (GE) corn, cotton and soybean in 34 states.
- 08/02 Summary judgment brief is due in *U.S. v. Lipar*, a challenge to Corps CWA § 404 enforcement action; EPA is not a party.
- 08/03 EPA's Reply in Support of Cross-Motion for Summary Judgment is due in *Community In-Power and Development Association, et al v. EPA*, a case alleging that EPA failed to issue standards or final residual risk determinations for various major sources of hazardous air pollutants categories, and to review and revise as necessary emission standards promulgated every 8 years.
- 08/03 Reply brief is due in *NRDC, et al. v. Pruitt*, a mandatory duty lawsuit alleging that California water rights permit decisions are new and revised CWA WQS.

Office of International and Tribal Affairs (OITA)

Hot Issues:

China Research and Development: The NSC held an interagency meeting on July 20 and has requested that all USG agencies provide an inventory of their research and development work with China by Tuesday, July 25th. They are interested in getting an understanding of the scope and breadth of the U.S. – China R&D collaboration. EPA/ORD has worked with the China Ministry of Science and Technology on R&D projects and OITA will work with ORD to provide this list of projects. The U.S. government is also in discussions regarding the renewal of the umbrella U.S.-China Scientific and Technology Agreement.

Upcoming Engagements:

July 25-27 – EPA/OAR and World Bank will be holding an international meeting on Filling Air Quality Monitoring Gaps at the World Bank.

Week of July 31 – members of the Japanese Diet and Ministry of Environment have requested a meeting with EPA to discuss the Paris Agreement and environmental cooperation.

Past Week Highlights:

National Program Manager (NPM) Guidance Tribal Consultation Call: On July 11, OCFO partnered with the NPMs to host a tribal consultation call on EPA's FY 2018-2019 Draft NPM Guidances. Each of the NPMs shared highlights from their documents related to tribes. The following tribal comments were received:

- Requested clarification on NPM Guidances from OW and OEI.
- Expressed concern over the budget and the work to be accomplished.
- Emphasized the importance of self-determination and the federal government's Trust responsibilities to the tribes.
- Requested the Administrator to reaffirm the 1984 Indian Policy, which every Administrator has signed since 1984.
- Requested an extension to the deadline for the comment period to allow for more tribal input.
 - Since the call, this comment period has been extended one week (August 4th)
 - A second tribal consultation call has been scheduled for Monday, July 31st

Environmental Technologies Trade Advisory Committee Meeting

EPA/OITA participated in the Environmental Technologies Trade Advisory Committee (ETTAC) triannual meeting at the Department of Commerce. ETTAC is a group of 42 environmental technologies industry leaders that advises the U.S. Government on environmental trade policies and programs, particularly on increasing exports of environmental goods and services.

- The USG discussed the newest iteration of the U.S. Environmental Solutions Toolkit, which was developed by EPA and Commerce.
- The USG held a roundtable discussion with ETTAC on trade barriers and issues related to the renegotiation of North American Free Trade Agreement (NAFTA).
- Commerce officials noted the need to more closely align its Commercial Service with the needs of U.S. industry, and expressed interest in organizing a high level trade mission featuring environmental technologies.
- The Professional Services and Infrastructure Advancement Subcommittee meeting discussed the benefits of the USG potentially implementing a "tied aid" policy giving preference to U.S. firms.

Office of Land and Emergency Management (OLEM)

Hot Issues

1. National Priorities List (NPL), package of proposed sites and final sites.
2. CCR State Permit Program Guidance. Approximately 10 -15 states have now expressed interest in developing a permit program.
3. CERCLA 108(b) Financial Assurance for Hard Rock Mining and Mineral Processing.
4. Clean Air Act 112(r) Risk Management Program Rule.
5. Hanford Record of Decision (ROD).
6. Other ongoing major Superfund sites (for example, East Chicago, West Lake, Gold King mine/Bonita Peak, Hudson River, Portland Harbor).
7. CERCLA-EPCRA AFO-CAFO Rule.
8. Definition of Solid Waste (DSW). On August 3, OLEM will meet with OMB to discuss the status of the DSW litigation.

Upcoming Public Events

1. National Priorities List package of proposed and final sites. The proposed and final rules to update the National Priorities List are targeted to be published in the *Federal Register* on July 31. The proposed rule includes four sites and the final rule includes seven sites.
2. Tribal Lands and Environment Forum (week of Aug 14th, in Tulsa).

Upcoming Major Decisions

1. Hanford ROD. We are working with Region 10 and the AO in preparation to brief the Administrator, targeted for in mid-September.
2. CERCLA-EPCRA AFO-CAFO Rule. We are conferring with OGC on next steps.
3. CERCLA 108(b) Financial Assurance Rulemaking. The comment period ended on July 11. EPA's final action will be signed by December 1.

Last Week Highlights

1. Hudson River Public Meeting. An OLEM rep joined in a Hudson River public meeting on July 19, at the Region's request. It was the second of two meetings to discuss the findings of EPA's five-year review. About 100 people attended, included a member of Representative Tonko's staff. The Chamber of Southern Saratoga County's president/CEO said he will come to Washington next week to meet with Representatives Faso and Tonko, and possibly EPA reps, to say that more cleanup is needed to support southern Saratoga County's economic development.
2. General Electric Financial Assurance template. We are conferring with the AO regarding this technical assistance requested by state staff.

Office of Policy (OP)

Documents sent to the Office of the Federal Register July 14 – July 20

9964-67-OECA	Clean Water Act Class II: Proposed Administrative Settlement, Penalty Assessment and Opportunity to Comment Regarding JPMorgan Chase Bank, N.A.	7/18/2017
9964-73-OAR	Protection of Stratospheric Ozone: Determination 33 for Significant New Alternatives	7/18/2017
9964-82-OAR	EPA's Intent to Disclose Confidential Business Information (CBI) Contained in Vehicle Sales Data for Model Years 2015 to the U.S. Energy Information Administration (EIA) for Use in Modeling and Projecting Energy Demand in the Light-Duty Vehicle Sector	7/18/2017
9964-78-OW	Expedited Approval of Alternative Test Procedures for the Analysis of Contaminants under the Safe Drinking Water Act; Analysis and Sampling Procedures	7/18/2017
9964-92-Region 6	Underground Injection Control Program; Hazardous Waste Injection Restrictions; Petition for Exemption Reissuance - Class I Hazardous Waste Injection; Vopak Logistics Services USA Inc. Deer Park, Texas	7/18/2017
9965-19-Region 1	PROPOSED CERCLA ADMINISTRATIVE COST RECOVERY SETTLEMENT: PARKER STREET WASTE SITE, NEW BEDFORD, MASSACHUSETTS	7/18/2017
9965-16-OA	Local Government Advisory Committee: Request for Nominations	7/18/2017
9964-69-OEI	Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery (ICR 2434.75)	7/17/2017
9963-99-Region 6	Clean Air Act Operating Permit Program; Petitions for Objection to State Operating Permit for Bunge North America, Inc. Destrehan Grain Elevator, Destrehan, St Charles Parish, Louisiana	7/17/2017
9962-92-OAR	Notice of Availability of Two Updated Chapters in the Environmental Protection Agency's Air Pollution Control Cost Manual	7/17/2017
9965-12-Region 1	Air Plan Approval; ME; Regional Haze 5-Year Progress Report	7/17/2017
9965-13-Region 4	Air Plan Approval; Florida: Unnecessary Rule Removal	7/17/2017
9965-14-Region 4	Air Plan Approval; Florida: Unnecessary Rule Removal	7/17/2017
9965-03-OEI	Cross-Media Electronic Reporting: Authorized Program Revision Approval, Territory of U.S. Virgin Islands	7/14/2017
9965-20-Region 10	Proposal to Withdraw Proposed Determination to Restrict the Use of an Area as a Disposal Site; Pebble Deposit Area, Southwest Alaska	7/14/2017

9964-11-Region 6	Approval and Promulgation of Implementation Plans; Texas; Reasonably Available Control Technology for the 2008 8-Hour Ozone National Ambient Air Quality Standard	7/14/2017
9965-08-OAR	Criteria for the Certification and Recertification of the Waste Isolation Pilot Plant's Compliance with the Disposal Regulations: Recertification Decision	7/14/2017

Office of Research and Development (ORD)

Last week the Environmental Research Institute of the States (ERIS) Board and EPA ORD had a successful and productive meeting in Oklahoma. We were pleased to have OK DEQ Executive Director Scott Thompson and staff, OK Deputy Secretary of Environment Tyler Powell, and EPA's Ken Wagner, Jeaneanne Gettle (Region 4) and James McDonald (Region 6) also participate. We saw first-hand some of the innovative work being done at ORD's Groundwater, Watershed and Ecosystem Restoration Division in Ada and visited the Village Green park bench in the Myriad Children's Garden in Oklahoma City, developed by ORD scientists, which delivers near real-time air quality data so people better understand the impact of local air pollution. OK DEQ hosted the group on the second day, where we learned more about Oklahoma's environmental programs and issues facing the state and discussed potential areas for collaboration on scientific and technical issues.

Next week, Bob Kavlock will lead the quarterly Science Technology Policy Council meeting and participate on a teleconference as part of the Interagency Coordinating Committee on the Validation of Alternative Methods, which works to develop guidelines and recommendations that promote regulatory acceptance of new or revised scientifically valid toxicological tests. We are also working to review BOSC nominations and begin reconstituting the BOSC Executive committee and Subcommittees.

Hot Issues

ORD releases first three rounds of Gen X analysis results to North Carolina DEQ

At the request of NC DEQ and Region 4, ORD scientists are conducting an independent laboratory analysis of six rounds of water samples being collected by NC DEQ at 13 locations in the Cape Fear River this summer. EPA scientists are analyzing wastewater, surface water, ground water, and treated drinking water samples to determine the presence and concentration of the chemical GenX in the samples. The analytical results of the first three rounds of samples were shared with NC DEQ on July 13th. The analysis found Gen X present in every sample. The concentrations range widely from 4 to 21,760 nanograms per liter (ng/L). NCDEQ reviewed and publically released EPA's results on July 14th, along with results of water sample analyses conducted by Test America, a Colorado laboratory under contract to the Chemours Company. Findings from ORD and Test America reflect water quality data from samples collected in the Fayetteville and Wilmington areas between June 19th and July 6th. Results show higher concentrations near the point where Chemours' Fayetteville manufacturing facility was discharging GenX into the Cape Fear River, and much lower concentrations at the public water supply systems near the facility and 70 miles downstream, in the Wilmington area. Following NC DEQ's public release of results, N.C. Governor Roy Cooper called on EPA to set limits for Gen X and other emerging contaminants. NC DEQ is collecting three more rounds of water samples from the Cape Fear River. ORD scientists will analyze these samples and analytical results will be shared with NC DEQ in August.

TSCA Support: Chemical Prioritization

ORD is compiling chemical information for an expanded list of chemicals informed by discussions with OPPT. The expanded list will be used to evaluate options for pre-prioritization. ORD staff will participate in the OPPT Chemical Prioritization Team meeting on 7/21 to discuss next steps. We will also meet with Nancy Beck next week to discuss ORD progress and next steps.

Upcoming public events

ORD Duluth Lab Visit

On July 24 and 25th Richard Yamada, Bruce Rodan, Rusty Thomas, and Jeff Frithsen will visit the ORD Duluth lab to discuss the chemical data generated by ORD ecological researchers, and how it can be integrated with human health data to better inform prioritizations under the new Toxic Substances Control Act (TSCA).

Community-Focused Exposure and Risk Screening Tool (C-FERST) Training for States. ORD is hosting a C-FERST train-the-trainer webinar on July 26 for state environmental and public health staff. [C-FERST](#) is an online information access and mapping tool that offers structured community guides, local maps and reports, fact sheets, and links to other public health tools.

Nutrient Sensor Action Challenge

On July 26, EPA will announce the Nutrient Sensor Action Challenge – a collaboration between EPA, USGS, USDA, NIST, NOAA, and the Alliance for Coastal Technologies. The Challenge aims to accelerate technology, data management and visualization techniques and best practices to overcome obstacles using lower cost sensor networks. Stage 1 of the challenge will close September 20, 2017.

U.S. Army Public Health Center to visit ORD for the Federal Research Action Plan on Tire Crumb

On July 26th and 27th, ORD will host visitors from the U.S. Army Public Health Center (APHC). APHC is a collaborator on the Federal Research Action Plan (FRAP) on Recycled Tire Crumb Used on Playing Fields and Playgrounds, a multi-agency study being conducted by EPA, the Centers for Disease Control and Prevention's Agency for Toxic Substances and Disease Registry (CDC/ATSDR), and the Consumer Product Safety Commission (CPSC). The APHC staff will tour labs and discuss the various analytical approaches being used for the FRAP. Discussions will also focus on aspects of the study such as exposure and toxicity, Quality Assurance and Quality Control, data preparation and transmittal, and next steps.

Enhancing Federal Response to Chemical Emergencies

Led by HHS, with participation by CDC, NIH, FDA, DoD and DHS, [Chemical Integrated Program Team \(ChemIPT\)](#) provides advice to HHS to ensure proper identification and development of medical countermeasures against chemical threat-induced health effects. On July 27, ORD is meeting with ChemIPT to discuss the value of chemical-specific health effects data contained in EPA's Provisional Advisory Levels (PALs) documents. ORD develops PALs as advisory exposure values to characterize the type and severity of health effects, to estimate their likelihood following chemical exposures, and to support EPA's emergency response capabilities. PALs are developed for priority chemicals, including chemical warfare agents and toxic industrial chemicals, and cover defined exposure durations from up to 24 hours to up to 2 years. Information on toxic effects, captured within the PALs documents, may be used to identify medical countermeasures for chemicals. This information sharing opportunity facilitates collaboration with other federal agencies on development and use of the PALs.

Last week Highlights

NAS Report "Application of Systematic Review methods in an Overall Strategy for Evaluation Low-Dose Toxicity from Endocrine Active Chemicals"

Last week the NAS released their report, "Application of Systematic Review methods in an Overall Strategy for Evaluation Low-Dose Toxicity from Endocrine Active Chemicals," outlining a strategy to improve EPA's ability to evaluate evidence of low-dose effects of endocrine active chemicals (EACs), also known as endocrine disruptors. ORD and OCSPP co-funded the report, and NAS representatives came to EPA last week to provide a briefing to EPA leadership from ORD, OCSPP, OW, OLEM, OAR, OCHP, and OP prior to the release of the report.

Announcing State and Regional Innovation Projects

In late May, the Office of the Science Advisor announced an opportunity to apply innovative approaches to regional and state science priorities. In only four weeks' time, the EPA regions submitted an impressive set of

high-quality proposals. Last week we announced the selected projects, which address priority environmental and human health problems in 20 states across EPA's 10 regions through partnerships between ORD, regional offices, and states. The selected projects focus on non-point source nitrogen pollution, volatile organic compound emission detection, harmful algal blooms, roadway air pollution near schools and other pressing environmental and human health issues across the country. Several projects employed multiple innovation approaches: five use citizen science and crowdsourcing, one uses a challenge and prize competition, seven use advanced monitoring technologies, and one uses social science. These projects directly address challenges faced by state agencies and demonstrate how advancing science is essential to the work of states and EPA regions.

Partnering to Address Public Health Needs in Brownsville, TX

ORD, OCSPP, and Regions 4 and 6 met with representatives from the City of Brownsville, Texas on July 18 to provide expert support to help the community address public health risks posed by local mosquito populations. The visit included a briefing on an ongoing EPA Zika vector mitigation research project. Discussions included ways that ORD and others at EPA can support Brownsville with Integrated Vector Management practices to protect public health. Participants conducted field visits to mosquito surveillance sites run by the City of Brownsville's Department of Public Health in partnership with Texas State Department of Public Health.

Cooperative Research and Development Agreement (CRADA) to Assess Atmospheric Water Generation Technologies

ORD and OGC are currently working on a CRADA to assess atmospheric water generation technologies. The effort was prompted by interest from the Administrator's Office after a discussion with WaterGen, an Israeli company with a patented "water from atmosphere" technology. ORD, in close collaboration with FTTA and OGC, is also preparing to advertise for other companies to enter in the atmospheric technology assessment effort with WaterGen.

Office of Water (OW)

Hot Issues

Waters of the U.S. - The Office of the Federal Register has approved our request to allow the restored rule text format to deviate from current format conventions. We have sent forward the revised package reflecting their other recommended edits and anticipate their agreement and a Step One proposal publication date shortly. Work continues on the analysis of potential impacts of a reduction in jurisdiction. This preliminary data on aquatic resource impacts will be important context for the policy option briefing we are preparing for the Administrator. In addition to data on aquatic resource impacts, we are developing scenarios that will illustrate resource and program implications of policy options. We are also working to finalize our summaries from the federalism and tribal consultation. In response to federalism letters from governors' offices, we will be preparing letters of thanks for responding to Administrator Pruitt's request. This week we will be submitting a briefing request for the Administrator. The timeframe for the briefing will be the first or second week of August.

Proposed Rule to Establish Aluminum Aquatic Life Criteria for the State of Oregon and Draft National Aluminium Aquatic Life Criteria:

Next week, OW will send the Proposed Rule to establish aquatic life criteria for aluminum in Oregon to the Office of Policy to transmit to OMB. The Agency is under a 2016 consent decree to propose criteria for Oregon by December 15, 2017, unless the EPA approves criteria submitted by Oregon prior to that date (at this time, Oregon has not initiated state rulemaking to adopt and submit aluminum criteria prior to EPA's December 15, 2017 proposal deadline). This obligation comes from a 2015 lawsuit from Northwest Environmental Advocates, who argued that EPA had not fulfilled its mandatory duty to promptly propose and promulgate aquatic life criteria for aluminum for the state of Oregon following EPA's 2013 disapproval of the state's criteria submission, and the state's failure to remedy the disapproval. The proposed criteria for Oregon are based on the work the EPA has done to update its CWA 304(a) criteria recommendation for aluminum, which we anticipate publishing in draft form shortly. These criteria are based on the latest scientific research and will protect aquatic life from the harmful effects of exposure to toxic levels of aluminum. EPA plans to initiate a public comment period of 45 days following the proposal. The 2016 consent decree also requires the Administrator to sign a final rule by September 29, 2018, unless the EPA approves criteria submitted by Oregon prior to that date.

Action Memo, City of Flint Drinking Water State Revolving Fund Debt Forgiveness Decision Memorandum: On July 20, Mike Shapiro signed a memorandum with a recommendation to Ryan Jackson that the Region 5 Acting Regional Administrator concur with the State of Michigan's request to forgive the \$20.7M of past Drinking Water State Revolving Loan Fund (DWSRF) debt owed by the City of Flint to the State of Michigan DWSRF. The Michigan Department of Environmental Quality has requested EPA concurrence on forgiveness of the Flint DWSRF loans and plans to announce this as part of their next DWSRF intended use plan (IUP), which is projected to be put to public notice in July 2017. This IUP must go through a state-determined 30-day public review before it can be submitted to the EPA as part of their application for the FY 2017 DWSRF capitalization grant funding.

AIS denial waiver for the City of Oregon, Ohio: The EPA is in the process of denying the State of Ohio's request for a timing availability waiver of the American Iron and Steel requirement for stainless steel grooved couplings for the City of Oregon's Water Treatment Plant Harmful Algal Bloom (HAB) Infrastructure Improvements Project. The lead time for AIS-compliant couplings used for the project was 28 weeks. Non-domestic couplings could be supplied to the project within two to three weeks. However, some of the non-domestic couplings were installed prior to the EPA receiving the waiver request; therefore, the EPA cannot approve this waiver request.

WIFIA: On July 19, the WIFIA program announced the projects selected to apply for the first round of WIFIA funding. The program is inviting 12 entities with projects in nine states to apply for more than \$2 billion in Water Infrastructure Finance and Innovation Act (WIFIA) loans. These potential applicants were selected from a group of projects that represent large and small communities from across the United States that submitted letters of interest to EPA in April 2017. We have received a lot of positive press following the announcement.

Water Finance Clearinghouse: We are on track to release the Water Finance Clearinghouse on July 26. This clearinghouse is an easily navigable web - based portal to help communities locate information on funding sources, financing mechanisms and approaches, and resources for preparing to access capital to meet their water infrastructure needs. Information on public-private partnerships, customer assistance programs, other revenue generating financial approaches, and assistance specifically for small systems are included.

2017 review of the 2012 Rec WQ Criteria Webinar: Next Wednesday, July 26, OW will be conducting a webinar to inform our larger stakeholder community about the scope and nature of EPA's assessment of the 2012 Recreational Water Quality Criteria (RWQC) review. This review is required by the BEACH Act amendments to the Clean Water Act section 304(a)(9)(B). The required 5-year review of its RWQC, which will be completed by the end of this calendar year, will be used to inform an assessment on whether or not any revisions to the 2012 RWQC are necessary. The assessment will be based on the overall review findings, internal EPA evaluation of the science, input from the greater beach water quality community, and feedback from stakeholders. In this webinar, EPA will share a summary of relevant scientific developments since 2010 and results of the 2017 review to date.

Upcoming Public Events

Region 4 Finance Forum: The Water Finance Center and Region 4 are co-hosting a finance forum on water infrastructure finance strategies for small systems July 26 in Florence, Alabama. Topics include generating revenue and rate setting; collaboration and benchmarking; assessing the financial condition of water systems; and funding overview

Environmental Financial Advisory Board Meeting: A Notice announcing the Environmental Financial Advisory Board (EFAB) summer meeting scheduled August 22-23 in Kansas City, KS is with OP for review and approval to be published in the Federal Register. The purpose of this meeting is to hear from informed speakers on environmental finance issues, proposed legislation, and EPA priorities; to discuss activities, progress, and preliminary recommendations with regard to current EFAB work projects; and to consider requests for assistance from EPA program offices. As the Designated Federal Official, I will chair this meeting.